

# EXHIBIT A

UNITED STATES DISTRICT COURT

DISTRICT OF ARIZONA

Jeremy Thacker,	)	
	)	
Plaintiff,	)	
	)	
vs.	)	NO. 2:18-cv-00063-PHX-DJH
	)	
GPS Insight, LLC; Robert J.	)	
Donat, individually and as	)	
Trustee of the Robert Donat	)	
Living Trust Dated	)	
April 19, 2017,	)	
	)	
Defendants.	)	
-----	)	

REPORTER'S TRANSCRIPTION OF DIGITAL RECORDING

AUDIO FILE NO. 1

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PREPARED FOR:  
THE COURT  
(ORIGINAL)

1 how --

2 JEREMY THACKER: I'm not sure I understand.

3 JASON WALKER: -- how is it different, David  
4 owned it and he closed, personally closed all the  
5 business, so he was earning commissions, just like you are  
6 going to earn a commission on LC, right?

7 JEREMY THACKER: Yeah, I understand that.

8 JASON WALKER: But you closed -- what you are --  
9 what you are asking for, and if I -- quite frankly, if I  
10 turned this to Rob, if I sent this paragraph to Rob, based  
11 on what you did, he would be, like, no way in hell.

12 Because what you are saying is I called -- you closed  
13 nothing. You got paid nothing because you closed nothing.  
14 You --

15 JEREMY THACKER: That's weird, when someone says  
16 that we are moving forward with you in that email from the  
17 VP and then they move forward and do it.

18 JASON WALKER: But what did you -- so what did  
19 you -- what David was closing were specific deals.

20 So what I am trying to show you is you are  
21 citing here, you are combining things, but I  
22 was willing --

23 JEREMY THACKER: I was willing to close those  
24 deals. I mean --

25 JASON WALKER: Okay. So let's stay on point

1 because you were killing quota or anything else. And it's  
2 been a good thing for you. We are happy for you. That's  
3 worth more than that whole program is ever going to be  
4 worth.

5 So if you had stayed, that would have been  
6 hugely detrimental to you.

7 JEREMY THACKER: In addition, it's a portion of.  
8 It's not all. It's some of. Like, it doesn't mean that I  
9 wouldn't have done anything else. I don't think I  
10 understand how you are doing the comparison.

11 JASON WALKER: Well, I am comparing what you  
12 have actually closed --

13 JEREMY THACKER: And this, some of this number,  
14 is commercial deals.

15 JASON WALKER: It's all -- that's all  
16 commercial.

17 JEREMY THACKER: No. The 2587.

18 JASON WALKER: That's fine, too.

19 JEREMY THACKER: Okay. Well, those would have  
20 still been there, is what I'm saying.

21 JASON WALKER: Well, if you want to break it out  
22 here, I'm going to work with real numbers, and you can go  
23 back and forth with whatever crap it is that you are going  
24 to go through right now.

25 And you are missing -- you know, if you continue



1 down the path of demanding the payment schedules and some  
2 other things, you are going to end up getting probably  
3 nothing. The reason that I haven't gone to Rob with this  
4 yet --

5 JEREMY THACKER: Uh-huh.

6 JASON WALKER: -- is because last week when you  
7 weren't even here, I had five different people in my  
8 office complaining about you.

9 JEREMY THACKER: Okay.

10 JASON WALKER: If I go down there now, it's  
11 going to be no, and the reason is because you are a bad  
12 citizen in the company and you have caused a lot of issues  
13 over time.

14 David, Joe, Josh, these guys were all treated  
15 differently. They have been here for nine years. And the  
16 reason that they have done -- that they have been  
17 successful is because they have contributed.

18 And here is the bottom line. I have included  
19 you several times, and I will go through -- if you want to  
20 talk about being treated unfairly, I think you have been  
21 treated more than fairly. From your work schedule, Tyler  
22 and I have allowed you to do things like work from home  
23 whenever you want. You are not here when we get  
24 questioned by everybody else, including (inaudible),  
25 whatever.

1 misconstrued, I don't -- and, you know, it may end up  
2 being \$10. But the whole attitude of your email, you are  
3 now going to pay this on this date. I was like, look,  
4 man, I have got to work this through Rob. I'm not  
5 delaying this. You are causing me more pain and headache  
6 by doing what you are doing around here, because it's  
7 preventing me from even fucking helping you.

8 JEREMY THACKER: What did I do?

9 JASON WALKER: You pissed off Carrie. You  
10 pissed off Ray. Rob happened to be in there. I had  
11 Elliot ask me what was going on. James -- I don't -- do I  
12 need to --

13 JEREMY THACKER: Yeah.

14 JASON WALKER: You are driving Tyler insane with  
15 stuff. So you need to help us. This is a two-way street.  
16 I feel like we have done -- we have, both of us, stuck our  
17 necks out for you for years.

18 JEREMY THACKER: Okay.

19 JASON WALKER: And we have gladly done it,  
20 because for some reason we have a big soft spot for you  
21 that we wanted you to be successful.

22 You have got to return that by just -- we had a  
23 discussion at the beginning of the year. You remember  
24 that? We sat down and we said here is what we need from  
25 you. We need you to be here. We talked about some things

1 something, there is a common denominator.

2 JEREMY THACKER: Okay.

3 TYLER MORTENSEN: Our conversations have been,  
4 look, you need to go the extra mile to try and make sure  
5 that you are not misunderstood or that you don't come  
6 across the wrong way.

7 I have never had anybody else come up as  
8 frequently in terms of being misunderstood or causing  
9 problems or complaining or pushing back or saying this  
10 isn't good enough. It needs to change. We should do  
11 this. We should do that. That didn't work out. I'm  
12 treated unfairly.

13 Like, over time they have repetitively happen  
14 with you. And all I have tried to do is help guide you  
15 and provide ways where you can try and change that.

16 Now, again, who is right and who is wrong is  
17 going to change in every circumstance. We don't always  
18 have all the information.

19 JEREMY THACKER: But when we do --

20 TYLER MORTENSEN: Okay.

21 JASON WALKER: It doesn't matter.

22 TYLER MORTENSEN: But that -- the only thing, I  
23 haven't heard you say "okay" once in this meeting. It's  
24 constantly nitpicking specific things. Oh, that's not  
25 what -- you challenge everything. You question

1 the thing. These people aren't making this shit up, so --

2 JEREMY THACKER: She is making this shit up.

3 TYLER MORTENSEN: Let's just say that she is.

4 Over two -- no. I'm just saying.

5 JEREMY THACKER: Okay.

6 TYLER MORTENSEN: Let's say that she is. What I  
7 was just saying is that there are instances where you  
8 probably were not wrong. Nobody has ever said that you  
9 have been wrong every single time, but --

10 JEREMY THACKER: When was the last instance  
11 before that?

12 TYLER MORTENSEN: Let me finish.

13 JEREMY THACKER: Okay.

14 TYLER MORTENSEN: Let me finish.

15 What are we expected to do when Rob, Elliot or  
16 otherwise hear over four times in two weeks that those are  
17 the things that they are seeing from you. And on top of  
18 that, every time Rob walks by your office for a month  
19 straight, you are not there.

20 JEREMY THACKER: I don't think Rob was -- okay.

21 TYLER MORTENSEN: No. I'm just saying.

22 JASON WALKER: You don't what? What don't you  
23 think?

24 JEREMY THACKER: Nothing.

25 TYLER MORTENSEN: What do we say, what do we do

1 when multiple other people are saying that Jeremy is being  
2 this?

3 JEREMY THACKER: You look at the instance and  
4 then you need to defend me when they are wrong, because  
5 both of those instances are wrong. I didn't -- I did not  
6 say --

7 JASON WALKER: We spend -- I spend, the two of  
8 us have been spending almost all of our time defending  
9 you.

10 JEREMY THACKER: You didn't look at it and you  
11 just didn't defend me to me.

12 JASON WALKER: If Elliot comes in here and says  
13 Barbara just had an incident with Jeremy, it's just -- I  
14 don't even know what happened. It was this was the kind  
15 of thing I just had to sit down with Elliot for a half an  
16 hour and talk about what's going on with you.

17 JEREMY THACKER: That's unbelievable to me,  
18 because what if it's not true? Like, that doesn't matter?

19 JASON WALKER: So did the thing with -- Jeremy,  
20 it's a --

21 JEREMY THACKER: I understand.

22 JASON WALKER: It's a perception issue.

23 JEREMY THACKER: This month --

24 JASON WALKER: The perception issue is very  
25 real.

1 JEREMY THACKER: Two times this month, I don't  
2 even know of any other incidents, besides James.

3 JASON WALKER: James --

4 JEREMY THACKER: So James, if we are going to  
5 talk about perception issue and James is going to be the  
6 benchmark, then that's not a good foundation. James  
7 bitches about everything and cries like a fucking baby all  
8 the time. Like, that's not --

9 TYLER MORTENSEN: Nobody is putting you in jail  
10 for this or punishing. Nothing has happened to you as a  
11 result of it, other than trying to work the timing out in  
12 a way that this can actually work for you.

13 JEREMY THACKER: well --

14 TYLER MORTENSEN: But this came across as very,  
15 like, I'm fed up, I'm not going to deal with this anymore,  
16 you are going to do this for me now. And on the wings of  
17 these things that are happening, it seems very intentional  
18 and very methodical and you appear --

19 JEREMY THACKER: I am very upset about it. I am  
20 very upset that I have been slandered when I didn't do  
21 anything.

22 Like, did you -- you read the Barbara email.  
23 Did you think that I was --

24 TYLER MORTENSEN: All -- that -- there is two  
25 parts to this.

1 this could possibly be retaliation for that?

2 TYLER MORTENSEN: I never got the impression  
3 that you didn't do that to them.

4 JEREMY THACKER: That I didn't what?

5 TYLER MORTENSEN: Ray was actually defending you  
6 when Rob walked in. I think -- and Elliot --

7 JEREMY THACKER: Then why are we using it as  
8 evidence in this matter?

9 TYLER MORTENSEN: Because it's another example.

10 JEREMY THACKER: Well, no.

11 TYLER MORTENSEN: Elliot walked in and he said,  
12 look, I do not want him to get in trouble. I am trying to  
13 prevent this. I have heard this from multiple sources  
14 over the last couple weeks. I just want to make sure he  
15 doesn't get himself in a bad position. What's happening?

16 He never came in and said this guy is causing  
17 all these problems, like what the hell is wrong with him.  
18 He was very on your side.

19 JEREMY THACKER: But that's what I am being told  
20 now.

21 TYLER MORTENSEN: No. I'm saying that over a  
22 period of time, these things are happening.

23 JASON WALKER: You are causing problems for the  
24 two of us constantly so that I can't get my work done or  
25 even do something like this, is what I am trying to

1 explain to you.

2 TYLER MORTENSEN: If --

3 JASON WALKER: It's detrimental. Regardless of  
4 whether it's true or not, Jeremy, the truth is Tyler and I  
5 are doing sword fighting with everyone about this.

6 TYLER MORTENSEN: Ray has never come across as  
7 trying to get back at you or being intentional. In fact,  
8 it was the opposite. He was very defensive of you.

9 JASON WALKER: It was Carrie who --

10 TYLER MORTENSEN: Carrie was throwing a bit.

11 JASON WALKER: Look, this has been an issue, and  
12 he was defending you in some of it, but all I am trying to  
13 get across to you is that the incident happened. Rob  
14 happened, in true form, perfect timing for you, Rob was in  
15 there, so five minutes later he is down here and I am  
16 having to, like --

17 JEREMY THACKER: But I didn't do anything,  
18 Jason.

19 JASON WALKER: In Carrie's --

20 JEREMY THACKER: I understand that. I -- that  
21 doesn't -- okay. So if people --

22 JASON WALKER: When you are in the middle of --  
23 so I think all Tyler is asking you to do, when you are in  
24 the middle of an interaction with someone, think about  
25 what you are doing, because if it's someone like Carrie,



1 and she is -- or if she thinks she is trying to help or if  
2 you are busy, there is a way to unhook yourself from that  
3 so she doesn't leave that feeling the way she felt.

4           Something happened. I don't know if you talked  
5 to her about it. I talked to her about it. She has an  
6 impression of what went on. You need to try to change  
7 that.

8           JEREMY THACKER: And so what about when it's an  
9 inaccurate impression, because she is being told by Ray  
10 that I was making a mistake that I wasn't making?

11           TYLER MORTENSEN: Have you talked to her about  
12 that?

13           JEREMY THACKER: I did.

14           TYLER MORTENSEN: And?

15           JASON WALKER: And?

16           JEREMY THACKER: She is fine. We can call her  
17 down.

18           TYLER MORTENSEN: So part of -- there is another  
19 side of this. One of the things that's hard is we have to  
20 fix your problems on a lot of these instances.

21           If I were in your position, I would have  
22 immediately gone to Carrie and said: Hey, I'm so sorry  
23 you misunderstood this. I was not trying to not be  
24 helpful, blah, blah, blah, blah, blah, and between the two  
25 of us I probably could have gotten her to, like, take

1 haven't been fired and Ryan Hill was.

2 JEREMY THACKER: Okay.

3 TYLER MORTENSEN: Because I haven't had anybody  
4 complain about -- that I can even recall, these are the  
5 only conversations with individuals that I have had. Mike  
6 Sutton, anything that he caused, like, those are the  
7 double standards. Those are people that caused problems,  
8 did things and repeatedly came up that are no longer here.

9 JEREMY THACKER: Okay.

10 TYLER MORTENSEN: I mean, Josh, I -- I have  
11 limited experience --

12 JASON WALKER: Josh does stuff, when he used to,  
13 but he would call me and kept it to that.

14 JEREMY THACKER: I have never said a negative  
15 word to anybody, other than Tyler. That's true.

16 TYLER MORTENSEN: And I have kept that to us and  
17 I have limited that to us.

18 JEREMY THACKER: That's my point. I am not  
19 criticizing, and I am not -- and the two instances that  
20 you are bringing up right now, which are the only two that  
21 I can even think of in the last -- since I have been on  
22 the gov team, other than James, is these two.

23 TYLER MORTENSEN: And nothing would have  
24 happened if you didn't demand this right now.

25 JEREMY THACKER: No. I asked for this in

1 December and wasn't even spoken to about it. Just -- and  
2 when I asked you about it in December --

3 TYLER MORTENSEN: Do you know why? Because it  
4 wasn't until this year that Amerisure told us how many  
5 vehicles they were going to do, because they had to  
6 establish a budget for this year and it's way less than  
7 they told us.

8 JEREMY THACKER: Okay.

9 TYLER MORTENSEN: It's only 800 more vehicles,  
10 and they just started doing that. So Amerisure only  
11 actually came to fruition in terms of what they were going  
12 to do this year based on whether or not they were going to  
13 get budget approved. All these things that they told us  
14 have changed dramatically. They told us several thousand  
15 vehicles --

They've already closed 1,100 units.

16 JEREMY THACKER: ~~1100 units.~~ ←

17 TYLER MORTENSEN: They used budget that was up  
18 from last year.

but they closed 1,100 units

19 JEREMY THACKER: I understand that. →

20 TYLER MORTENSEN: But on this budget -- so we  
21 needed to know, is there two or three more thousand  
22 devices? Is it 800? All that.

23 And, again, you are getting distracted and not  
24 focusing on the point. What I'm saying is that we  
25 wouldn't have kept repeating or drove this into the

1 ground. We had a conversation --

2 JEREMY THACKER: You couldn't have told me that  
3 one of the four times that I asked you guys?

4 TYLER MORTENSEN: Okay. We could have gone to  
5 Rob and he would have said no.

6 JEREMY THACKER: No, no. You couldn't have told  
7 me your plan?

8 TYLER MORTENSEN: Me and Jason have had multiple  
9 times that we have tried to connect over it and hadn't.  
10 We didn't have a plan.

11 JASON WALKER: Other -- believe it or not, there  
12 are --

13 JEREMY THACKER: I do understand that, but that  
14 was two months.

15 TYLER MORTENSEN: But that's the thing. Like,  
16 how long do you think it took Josh to get something on  
17 will? How long --

18 Wheels JEREMY THACKER: To get paid?

19 TYLER MORTENSEN: No. To get a program or  
20 different exceptions. Like, it's --

21 JEREMY THACKER: It's been a year and four  
22 months then, a year and two months.

JEREMY THACKER:  
In July.

23 TYLER MORTENSEN: Well, Amerisure didn't close a  
24 single deal until the end of Q3/Q4. The entire year was  
25 spent -- that was the very first one for 12 trucks.

1 ~~JEREMY THACKER:~~ In July. and then

2 TYLER MORTENSEN: 12 trucks in September.

3 JEREMY THACKER: Yeah.

4 TYLER MORTENSEN: And the majority of the  
5 several hundred devices came in Q4. I can show you how  
6 many came in Q4.

7 JEREMY THACKER: I understand that.

8 TYLER MORTENSEN: But the entire year was  
9 working on doing everything that you would have had to do  
10 and wasted all your time doing to only get 6-, 700, 800  
11 units.

12 JASON WALKER: And the value -- we are trying to  
13 explain the value of the program is solidified now. It  
14 helps the conversation that I need to have.

15 The reason -- and literally I wanted to get this  
16 done probably a week and a half ago, and then all this  
17 other stuff started happening. I told Tyler, I am not  
18 going down there telling Rob about this right now. You  
19 have to trust me just a little bit to know enough of when  
20 I want to go and talk about something like this, because I  
21 do believe this does have value, but the timing is just  
22 not right.

23 I ultimately want to get a yes. I can go down  
24 and have the conversation and come back and say, guess  
25 what, he said no. I can't do anything about that. I

1 don't write the check.

2 JEREMY THACKER: My only issue with that is that  
3 you didn't even read the conversation with Barbara, and  
4 I'm in here being told that I'm being a distraction.  
5 And --

6 JASON WALKER: Because I had to have a  
7 conversation, because --

8 JEREMY THACKER: No. Why doesn't somebody  
9 actually verify it, what happened? Because there is  
10 nobody in this entire building that could read that  
11 conversation and feel like that.

12 TYLER MORTENSEN: Here is the thing. If you  
13 hadn't sent this email, Jason would have continued to work  
14 this out, tell you what he was going to try to get you  
15 paid on, go to Rob and get it okayed. I don't know how  
16 soon or long that would have taken, but we wouldn't be  
17 continually meeting about this.

18 we had discussions. We talked about it and I  
19 said, look, I don't know if you are wrong or right. Let's  
20 read the email. Yeah, that was probably unjustified on  
21 Barbara's part. You are being thrown to the wolves a  
22 little bit. Let's make sure that does not happen.

23 The last thing either of us want is for you to  
24 be inaccurately accused of stuff you are not doing. And I  
25 will go and sit down with Barbara or call her, or sit down

1 with Rob and say, look, this is unfair, but at some point  
2 I start to look stupid if you are not trying. When --  
3 JEREMY THACKER: Not trying?  
4 TYLER MORTENSEN: No. I'm saying when it's  
5 accurate, I will do that every single time.  
6 JEREMY THACKER: This is accurate.  
7 TYLER MORTENSEN: Okay.  
8 JASON WALKER: But, again --  
9 TYLER MORTENSEN: But you failed to acknowledge  
10 just the overtime piece of it.  
11 JEREMY THACKER: Oh, okay. And I'm asking for,  
12 in the past year, what are those times? I know when I was  
13 called --  
14 TYLER MORTENSEN: It is not -- you are talking  
15 about omission in commission. What other people do is  
16 build deposits and earn respect and trust by being here,  
17 not causing problems, leaving late.  
18 Like David has worked here for ten years and he  
19 is in here at 8:00 o'clock every single morning. There  
20 are things that people earn just by doing their jobs.  
21 There are many --  
22 JEREMY THACKER: Do you want to know why I  
23 wasn't here at the beginning of this year?  
24 TYLER MORTENSEN: I'm not talking about the  
25 beginning of this year. I am talking about four years.

1 JEREMY THACKER: Okay.

2 TYLER MORTENSEN: You are here less than  
3 anybody. There is nobody on the sales team that is in the  
4 office less than you are.

5 JEREMY THACKER: Okay.

6 TYLER MORTENSEN: Now, if you had said, hey,  
7 Tyler, I need to be out of the office. Is it okay if I do  
8 that?

9 JASON WALKER: And by the way, we defend you  
10 daily about that. And I am not joking.

11 TYLER MORTENSEN: Rob asked why you weren't in  
12 your office and what you do when you are sitting at your  
13 computer, because it looks like you are just logging on to  
14 Home Depot and different things all day.

15 So I said, no, Rob, don't worry. Like, you are  
16 so focused on the negative, because you don't see all the  
17 things that we do to defend you here. Rob, don't worry  
18 about it. He has got LCRI. He has got CMI. Yeah, he  
19 might not be here but he is always working on stuff. We  
20 are keeping him stuff. If Jeremy doesn't produce this  
21 year, then it affects me. My job is to make sure that he  
22 sells and that he does his job. Let me take care of that.  
23 You don't worry about him, and we'll take care of it.

24 Like, it's constantly defending you. So these  
25 things are hard, because at some point --



1 JASON WALKER: It's not just Rob. It's the  
2 small business reps for a long time would say, they kind  
3 of make jokes. It's stuff that we have to manage.

4 I am not saying it's right or wrong, Jeremy, but  
5 I don't care that you are not -- I don't give a shit that  
6 you are not here. If I did, I would tell you you have to  
7 be here every day. We don't mind, but we have to manage  
8 that.

9 And so the way that -- what we are asking is  
10 that we don't have to have all this other stuff, verbal  
11 stuff, so if you -- whatever you could possibly do to  
12 check yourself, regardless of right or wrong, it doesn't  
13 matter.

14 Like Tyler has pointed out, we are not having  
15 these conversations about anybody else but you. So why is  
16 that happening? I don't know. I'm not in your  
17 conversations. But when it gets to me, it's just one more  
18 thing that I have to deal with, and that's what we are  
19 trying to guard against. This is -- again, this is  
20 like --

21 JEREMY THACKER: I don't know how to change it.  
22 I don't know how to change the past two -- the things that  
23 have gone on, so --

24 TYLER MORTENSEN: Not the past two. Like --

25 JEREMY THACKER: I don't know how to deal with

1 JEREMY THACKER: When I am falsely accused, I  
2 expect to be defended.

3 TYLER MORTENSEN: And I will do that.

4 JEREMY THACKER: Okay.

5 JASON WALKER: There is -- what we are talking  
6 to you about here is feedback we are getting from  
7 perceptions. If it's false, okay, we will take that.

8 JEREMY THACKER: What happens when the owner is  
9 trashing you to people? Do you think people might feel  
10 that way?

11 JASON WALKER: When what?

12 JEREMY THACKER: When the owner trashes you to  
13 people in your personal life that you never even talked to  
14 him about, do you think that that might affect the way  
15 people see you, or give people permission to try to blame  
16 you and make you the scapegoat?

17 JASON WALKER: I don't really know how to answer  
18 that. You are talking about a specific situation, or are  
19 you talking about you think Rob is going around telling  
20 other people that you do bad things?

21 JEREMY THACKER: Yeah. Rob -- I know Rob has  
22 told people my personal information that Rob doesn't  
23 even -- some of it Rob knows about. Some of it, I have  
24 never told him about, so, yeah. Do I think that Elliot  
25 doing the same thing has an effect? Absolutely. And do I

1 response to it was like I don't know what else I can do.  
2 Go figure it out. That's how it came across.

3 JEREMY THACKER: That's not how it came across.  
4 That's not what I said.

5 TYLER MORTENSEN: You were wrong in that  
6 instance, because what Carrie read is how it came across.

7 JEREMY THACKER: Okay.

8 TYLER MORTENSEN: So if that was not your  
9 intent, our conversation was you need to go and fix that.

10 JEREMY THACKER: And I did.

11 TYLER MORTENSEN: Okay. So what's your point  
12 then?

13 JEREMY THACKER: That I'm still in here.

14 TYLER MORTENSEN: Only because of this email.  
15 We had one conversation about it. Did I keep reiterating  
16 that until that came up? We talked last week and I told  
17 you what I needed.


18 JEREMY THACKER: I told you I couldn't go  
19 because of the stuff that's going on. That you couldn't  
20 go to Rob because of it, and --

21 TYLER MORTENSEN: Because it came on the heels  
22 of him wondering what you do and questioning whether or  
23 not you were even invested in this company.

24 His direct quote is: Jeremy's success might be  
25 the worst thing, because he could sit back and rest on CMI

1 and rest on LCRA and not do anything, when somebody else  
2 could be here every day.

3 You appear to be unhappy or frustrated or not  
4 excited. You are not here all the time.

5 JEREMY THACKER: why ~~don't you~~ ask about me  
6 going to Chicago? 

7 JASON WALKER: Because --

8 TYLER MORTENSEN: What --

9 JASON WALKER: What does it even matter?

10 TYLER MORTENSEN: This is a circular, like,  
11 completely convoluted conversation.

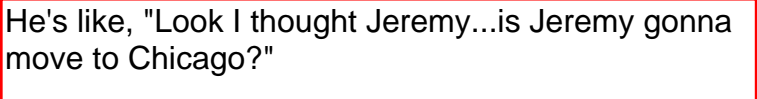
12 JEREMY THACKER: I am saying, do you think --

13 JASON WALKER: Hold on. The only reason you are  
14 here is because Rob didn't really get that upset when you  
15 used the credit. Like, Elliot and Rob do not have --  
16 you -- you think there is a huge B on your forehead that  
17 they are coming after you? They are not.

18 JEREMY THACKER: I do not. I do not think that.

19 TYLER MORTENSEN: But then why --

20  And he can.

21 JASON WALKER: ~~well, how about Jeremy? Is~~  
22 ~~Jeremy getting moved to Chicago?~~ Because Rob meddles in  
23 everything. He is the fucking owner of the company.  
24 That's what he does. He is not going to stop. He comes  
25 in here and he asks me about Tyler. He asks me about  
everybody's business. 

1 JEREMY THACKER: Okay.

2 JASON WALKER: why? I don't know.

3 TYLER MORTENSEN: All I was saying -- what was I  
4 saying? The -- I want to get back to that, though, the --  
5 what was I even saying? Rob, why did he ask you --

6 JEREMY THACKER: And that's believable to me, by  
7 the way. Can we talk about that?

8 TYLER MORTENSEN: But I want to finish my point,  
9 if I can remember what I was saying.

10 JEREMY THACKER: You were saying about the  
11 value, that I rest on my laurels. That my success is my  
12 own problem.

13 TYLER MORTENSEN: No. Okay. He -- there are  
14 two options. We can keep you in this position and you are  
15 not here, you leave early, you are very rarely here.  
16 Somebody else could be here 8:00 to 5:00, 9:00 to 5:00,  
17 constantly working, closing the deals that you are doing,  
18 and/or could probably close more.

19 And it appears on the surface, with all things  
20 that you can judge by walking by, in his view that you are  
21 kind of half (inaudible) it or just doing the minimum.  
22 And over time, that's hard to defend over and over, when  
23 every single day he walks by and you are not there.  
24 10:00 o'clock in the morning, and you are not there.  
25 It -- there are only so many times when we can defend you

1 and say, oh, Rob, just trust me.

2           Until this year, the numbers have been mediocre  
3 at best. To say, look, it's worth it, Rob. He is killing  
4 it. He is nailing quota. He is selling like crazy. I  
5 know he is not here, but he gets stuff done. This is the  
6 year that you could actually blow things out. We are  
7 trying to prevent that from happening.

8           And all I'm saying is he is looking at that and  
9 saying, yeah, he has got two deals, but what would  
10 somebody else in his position do if they're here every  
11 day?

12           Rob has never said that you can stop working  
13 because you close deals.

14           JEREMY THACKER: I haven't stopped working.

15           TYLER MORTENSEN: I'm not saying that. You just  
16 keep interjecting and arguing.

17           Josh is in the office nearly every day and he  
18 has sold however thousand devices every year. It's  
19 because he wants to. He gives the impression and the  
20 appearance that he comes in and he is motivated for all  
21 the right reasons and he is working every single day.  
22 David is working every single day. They are in the  
23 office. You are not.

24           All these things factor into it. If we have to  
25 go to Rob and say, hey, we want to give Jeremy some extra

1 JEREMY THACKER: Okay.

2 JASON WALKER: What I am talking about is the  
3 relationship built on trust is a two-way street where you  
4 have not made -- you are really good at taking  
5 withdrawals.

6 JEREMY THACKER: I don't know what withdrawals  
7 you are talking about. That's my issue. If we are  
8 talking about the credit card, I don't know what else we  
9 are talking about. If there are other things, then I want  
10 to know.

11 JASON WALKER: What I am saying is we have given  
12 you -- I will give you -- again, I am going to go over  
13 them, three specific examples.

14 One, the fact that we let you basically do  
15 whatever you want with your schedule. That is a  
16 concession we make for you that we don't make for anyone  
17 else here, and it's special treatment and it's a nice  
18 thing that we do and we are happy to do it.

19 JEREMY THACKER: Okay.

20 JASON WALKER: The concession we are asking for  
21 from you is basically to be here enough so that it's not  
22 an issue, and you are not here.

23 JEREMY THACKER: Well, last year it was not an  
24 issue, was it?

25 JASON WALKER: It is now and so we are telling

1 schedule. We have to talk to people and defend your  
2 actions all the time, because we believe that you are  
3 working and are working in around here, so that would be  
4 just one example.

5 TYLER MORTENSEN: But that becomes hard if you  
6 don't think that this is worth it or that you are getting  
7 screwed. Like if you don't think you can be successful  
8 here and you don't want to see the big picture and you  
9 don't want to stay, then we should probably stop defending  
10 you and trying.

11 JEREMY THACKER: I think I can. I just don't  
12 understand, while I'm a 1700, or whatever it is, 1600  
13 units for the year, why we are having a conversation about  
14 whether or not I'm at the office.

15 TYLER MORTENSEN: Because nobody else gets that  
16 exception, and Rob cares. It's his company. Because you  
17 could do 3,000 units.

18 JASON WALKER: Josh sold 7,000 in the year, and  
19 he is still in the office every fucking day.

20 JEREMY THACKER: Okay.

21 JASON WALKER: I'm not saying that you need to  
22 do that. What I am saying is people notice. You are a  
23 high-profile employee here from the standpoint of being on  
24 the sales team. All we are asking for is that you make it  
25 so we don't have to constantly defend you on that issue.



1 JEREMY THACKER: Okay. And I would like a  
2 nonhostile workplace from the owner, and ~~to be paid by my~~  
3 company so I feel comfortable. VP of

4 JASON WALKER: You think I am hostile to you?

5 TYLER MORTENSEN: Okay. He is talking about ~~the~~  
6 ~~owner, VP.~~ Elliot, VP

7 JEREMY THACKER: Is that a fair request?

8 TYLER MORTENSEN: Absolutely. We -- that -- you  
9 are getting into stuff that we probably need to discuss  
10 separately, which is a totally different issue.

11 JEREMY THACKER: Well, but that isn't. It's not  
12 a separate issue.

13 TYLER MORTENSEN: I'm not saying it's not. I'm  
14 just saying right now is probably not the time to start  
15 that conversation. I have to go to an on-site presentation.  
16 I am leaving in ten minutes. But, yes, everybody deserves  
17 a workplace that is safe where they can work, but I want  
18 to -- yes, of course, everybody should.

19 JEREMY THACKER: So if -- I don't think we had  
20 any of this issue last year. This occurred at the end  
21 of -- maybe starting at the end of last year, which also  
22 coincides with other pieces of this. So I don't think  
23 it's a fair representation of --

24 TYLER MORTENSEN: That's not true. Jason and I  
25 had very specific conversations towards before any of the

1 BE IT KNOWN that the foregoing is a true and  
2 accurate transcription of an audio recording done to the  
3 best of my skill and ability.

4 I was not present at the audio recording of  
5 these proceedings, and I make no representation as to the  
6 accuracy or completeness of the audio recording itself.

7 I FURTHER CERTIFY that I am in no way related to  
8 any of the parties hereto nor am I in any way interested  
9 in the outcome hereof.

10  
11  
12 DATED at Phoenix, Arizona, this 29th day of  
13 August, 2018.

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21 *Kelly Sue Oglesby*  
22 -----  
23 Kelly Sue Oglesby, RPR  
24 Arizona Certified Reporter 50178  
25

# EXHIBIT B

UNITED STATES DISTRICT COURT  
DISTRICT OF ARIZONA

Jeremy Thacker,	)	
	)	
Plaintiff,	)	No. 2:18-cv-00063-PHX-DJH
v.	)	
	)	
GPS Insight, LLC; Robert J.	)	
Donat, individually and as	)	
Trustee of the Robert Donat	)	
Living Trust Dated	)	
April 19, 2017,	)	
	)	
Defendants.	)	
_____	)	

REPORTER'S TRANSCRIPT OF AUDIO RECORDING

AUDIO FILE NO. 2

Transcribed from audio recording by:

Annette Satterlee, RPR, CRR, CRC  
Arizona CR No. 50179

1 JASON WALKER: (inaudible) -- he starts  
2 adding things up. Jeremy, you know what I mean? And  
3 he's like what, and he starts why is this, why is he not  
4 there? And it's like, fuck. And, and so it, it starts  
5 to become really hard work to just constantly defend  
6 that. So I get that maybe that was a bad week and you  
7 got -- you had a bunch of bad luck. But the reason  
8 we're, we're talking about this is because I have to,  
9 I --

10 JEREMY THACKER: I had the best week  
11 ever. That's the thing about it. It wasn't a bad week.  
12 It was a phenomenal week. And I haven't been called in  
13 to talk about that at all. I've been called in to talk  
14 about the admin getting upset with me.

15 JASON WALKER: Well, it -- believe me,  
16 Jeremy, no one would rather have conversations with you  
17 about your great week than me and Tyler.

**\*\*Nothing was said**

18 ~~JEREMY THACKER: Shit.~~

19 JASON WALKER: So now I wanted to address  
20 this with you --

21 JEREMY THACKER: Yeah.

22 JASON WALKER: -- because I don't want  
23 this to bubble up. I don't want you to be frustrated.  
24 I'm --

25 JEREMY THACKER: Has anyone talked to

1 Carrie and said, "you were wrong"?

2 JASON WALKER: I haven't circled back. I  
3 was in fucking Vistage yesterday. I, I haven't had time.  
4 And I'm going -- I will talk to her, and I will talk to  
5 James, and I will talk to other people.

6 And, you know, James mentioned to me that you  
7 came and did something very nice for him the other day,  
8 and I was like, well, good. But, he was also, you know,  
9 fucking, super ~~bummer~~. And I, I get James is sensitive.  
10 But you know that. butt-hurt

11 JEREMY THACKER: I --

12 JASON WALKER: So, but he's mad at you --

13 JEREMY THACKER: He's mad at you more  
14 than he is me.

15 JASON WALKER: He's always mad at me.

16 JEREMY THACKER: Okay. So does that make  
17 it, so is that your, like -- of course not. It didn't  
18 make you in the wrong. And it doesn't mean that you  
19 should get called in by Rod because James is fucking mad.

20 JASON WALKER: Well, no. But --

21 JEREMY THACKER: Does James rule?

22 JASON WALKER: -- half the time I call  
23 James in here and I told him to fucking take his pacifier  
24 out of his mouth.

25 JEREMY THACKER: Okay. So she ran to

1 somebody else that she shouldn't have fucking talked to.  
2 I, I don't -- like if somebody is going to get in  
3 trouble --

4 JASON WALKER: You didn't get in trouble.

5 JEREMY THACKER: I certainly did.

6 JASON WALKER: We're trying to prevent,  
7 we're trying to get you --

8 JEREMY THACKER: It, it's trouble,  
9 it's -- accused of rape, you fuck one goat? You know the  
10 old saying? And you're a goat fucker? Like every time  
11 somebody says it and it's allowed to stand is why we're  
12 here. Because Elliot's been able to say complete  
13 bullshit to me. One hundred percent bullshit. And it --  
14 in public. And it's never publicly refuted. And I don't  
15 even know if it's refuted at all.

16 And, and then I'm called in and told to be the  
17 higher standard. And that's hard to accept when you're  
18 not making any money and the people that are doing shitty  
19 things to you are making a lot of money.

20 JASON WALKER: So, the stuff you're  
21 talking about with Elliot, I don't, I don't know about.

22 JEREMY THACKER: You were involved in it  
23 last year. You know, it was right before we went to  
24 Texas and the stuff where he, you know --

25 JASON WALKER: Which specific stuff?

1 it.

2 JASON WALKER: I know. And that's why I  
3 didn't do it.

4 JEREMY THACKER: But that's the heart --  
5 like, so, here we are again like --

6 JASON WALKER: I can --

7 JEREMY THACKER: The company is --

8 JASON WALKER: So I can ask --

9 JEREMY THACKER: -- making tremendous  
10 value because we do the right things. And on the  
11 opposite side of it --

12 JASON WALKER: I didn't tell you I'm not  
13 doing this for you. I am telling you I have to get it  
14 done at the right time.

15 JEREMY THACKER: I understand that. But  
16 my -- when you take that into consideration with the fact  
17 that I'm getting in trouble for this other shit, that --

18 JASON WALKER: We're talking about so you  
19 don't get -- I, I don't want this --

20 JEREMY THACKER: If it's made to Elli and  
21 Rob, I'm already in -- like, who else is going to get me  
22 in trouble? Like I'm being told I have to step things up  
23 because of it. I mean, I -- that -- we can call it --  
24 I'm not in big trouble, but --

25 JASON WALKER: What we're asking you to



1 do is be here a little bit more. That's not stepping it  
2 up. That's just be noticeable --

3 JEREMY THACKER: Okay.

4 JASON WALKER: -- in the office. It's --  
5 it cures a lot of shit. Okay? It's, it's -- and the --  
6 here's -- Rob's not going to be here next week. So if  
7 you're going to fucking not be here, next week would be a  
8 good week.

9 The problem is the one fucking hour that he's  
10 in here, you are not. And that's, that's the only basis  
11 that he has --

12 JEREMY THACKER: (Inaudible)

13 JASON WALKER: -- whether you're fucking  
14 here or not.

15 JEREMY THACKER: I know.

16 JASON WALKER: But it's, it's an  
17 incredible amount of bad luck, but that's just how the  
18 world works. In case you haven't figured that out yet.  
19 Like the one time he's in fuck -- when do you think the  
20 last time he was in fucking Ray's office? Seriously.  
21 Probably a year ago. And he was down there just on a  
22 whim. I mean, you got to fucking -- when he was here  
23 telling me this -- and I am just sitting here, you got to  
24 be fucking kidding me.

25 Like when's the -- and I even said, I'm like,

1 Rob, really? Why were you even in Ray's office? He  
2 goes, I don't know, I just stopped. I'm like Jesus  
3 Christ. Like of all days. And I was half as mad at  
4 Carrie about just doing -- I'm like can you not -- if  
5 you've got a problem, can you come down to me so that it  
6 ~~just fucking~~ -- that doesn't happen? I -- you know --  
7 and it's just like fuck. doesn't but

8 And -- so I get put into issues where we're  
9 trying to -- it starts sounding like we're making excuses  
10 for you, even though we're not. It just sounds fucking  
11 stupid. And that's ~~when~~ Tyler and I get frustrated.

12 what JEREMY THACKER: I get it. But no with.  
13 excuses need to be made. If he's got issues, tell him to  
14 come talk with me. Or tell him to let me go.

15 But I don't want to have favors done that, that  
16 shouldn't be happening. Like I don't, I don't feel like  
17 that running interference with Carrie or Rob about shit  
18 that I didn't do is a favor. And then I'm owed -- then I  
19 owe a debt for something that -- I don't -- tell him to  
20 come talk to me. I'll deal with it. And if the end  
21 result -- then fine. If trying to keep Rob happy is part  
22 of my job, then fuck it. I'm out. Like, I don't care.  
23 I don't --

24 JASON WALKER: Well --

25 JEREMY THACKER: I don't like the man,

1 and I don't want anything to do with him.

2 JASON WALKER: I understand that. The  
3 problem is, is he owns the company.

4 JEREMY THACKER: That's fine.

5 JASON WALKER: That's the reality, and I  
6 can't -- and no one is going to change that.

7 JEREMY THACKER: I understand that.

8 JASON WALKER: Uh-huh.

9 JEREMY THACKER: But then if he's causing  
10 a problem -- if I'm causing a problem to him and he's  
11 causing one to you, then so be it. But if it's based on  
12 bullshit like --

13 JASON WALKER: So what we're saying is --  
14 again, if you could be here more, that goes away. We  
15 can, we can do --

16 JEREMY THACKER: I'm not here because I  
17 don't want to see him, Jason. I don't want him coming  
18 into my office and high-five'ing me. Like I, I -- fuck  
19 him.

20 JASON WALKER: Yeah.

21 JEREMY THACKER: I don't want that. And  
22 I don't --

23 JASON WALKER: So --

24 JEREMY THACKER: And if that means  
25 something, then okay.

1 JASON WALKER: And that's, that's more of  
2 just -- but to me, for you -- just put all this -- forget  
3 everything else for a second.

4 That's a personal health thing, in all honesty.  
5 And I look at it for you because that's not good for you.

6 JEREMY THACKER: I'm not mad. I just  
7 don't want to lie. That's my, that's my personal health.  
8 I don't want to look somebody in the eye and say, cool,  
9 man. Which is what I -- and so I avoid the fuck out of  
10 him. Because if I have to talk to him, it's not going to  
11 end well.

12 JASON WALKER: Okay. It's just not a  
13 good way to have to go to work. And, and so --

14 JEREMY THACKER: I agree.

15 JASON WALKER: -- I -- if you can, if you  
16 can figure out a way around it, fine. I -- that's the --  
17 the problem, the problem with that is that I can't tell  
18 him that as a reason for you not being here. So, I have  
19 to have others.

20 And you have to understand that I -- that's  
21 just because other people are expected to be here. So if  
22 you're not going to be here, we have to have a legitimate  
23 reason for that. I can't use that as one of them, even  
24 though it might be legitimate. It's not something I can  
25 say. Because that will just be not good for ~~(inaudible)~~

1 JEREMY THACKER: In December?

2 JASON WALKER: Whenever you and I sat  
3 here, you asked me --

4 JEREMY THACKER: That was December.

5 JASON WALKER: -- about it.

6 Well, yeah. And it's just (inaudible) lot of  
7 shit going on.

8 JEREMY THACKER: I know. But that --  
9 like it's -- but -- so when it's important to the  
10 company, it's urgent and time matters. When it's my  
11 finances --

12 JASON WALKER: So you -- but I was saying  
13 like when you -- you -- this became -- you asked about it  
14 because you didn't get paid, I didn't, like --

15 JEREMY THACKER: Do you know what my  
16 profit-sharing bonus was?

17 JASON WALKER: No. I don't know any -- I  
18 don't get any information on any of that.

19 JEREMY THACKER: I know I can't share it  
20 with you. But it went up by two hundred dollars. Two  
21 hundred.

22 JASON WALKER: I don't even know how to  
23 compare that --

24 JEREMY THACKER: Ask Evan.

25 JASON WALKER: Well, he's --

1 shit. And I'll give -- and I gave without getting back  
2 last year, and trusting. And I felt like I got fucked at  
3 the end of this year. And that's, that -- and you can  
4 say what you want, but I, I don't feel like it was given  
5 back to me. I feel like I did give last year. Like you  
6 gave me the opportunity and I took it, and I appreciate  
7 it and I ran with it.

8 JASON WALKER: And I thought you did  
9 great.

10 JEREMY THACKER: And I did, too. And  
11 then when I needed a couple of things, I didn't get them.  
12 Like I get -- my appreciation was a \$200 profit-sharing  
13 bonus --

14 JASON WALKER: I don't --

15 JEREMY THACKER: -- and --

16 JASON WALKER: That's not something that  
17 I can -- that's not something I control. I don't do -- I  
18 don't have anything to do with that.

19 JEREMY THACKER: I, I get that.

20 JASON WALKER: I mean that's not, that's  
21 not -- I don't -- I don't know what Kristen gets paid; I  
22 don't know -- it's very unusual. I've always been in  
23 control of my own budget. I don't, I don't -- I, I --

24 JEREMY THACKER: I understand --

25 JASON WALKER: (Inaudible)

1 think, literally, it would have been -- to get a check  
2 cut --

3 JEREMY THACKER: It would have been  
4 difficult.

5 JASON WALKER: Was --

6 JEREMY THACKER: But it was somebody  
7 here's fault. It was their fault. Not mine. I get --  
8 and, and nobody stood up for it. Like that's -- I  
9 understand it would have been difficult. It was fucking  
10 really hard for me, instead. I paid.

11 And that's -- like that's the part that nobody  
12 seems to really dive into, is what we pay when, when the  
13 company makes a mistake. When I lose a hundred units  
14 because Chris Plosky and Elliot fuck off Cal Cartage --  
15 or Pasadena.

16 It -- there's another side to it. And there's  
17 life going on and -- like -- and it's always put off and  
18 put off. And it's acted like it's not a big deal. Like  
19 just wait and trust us.

20 And I get emails from Elliot saying it's going  
21 to be a win-win, and we all win together. And then I get  
22 a \$200 profit-sharing bonus. U.S. Two hundred U.S.  
23 dollars. Like -- does that not -- I just want to know  
24 if -- like -- and I want to be here. I've tried to be  
25 here. I'm -- and I know it's not you. I know you don't

1 have control over it all.

2 JASON WALKER: It's -- you know, all, all  
3 I can say is there, there are, are -- you've just listed  
4 off more shit than I, I can even, I can -- look, almost  
5 all the reps combined that have had, like, issues, like  
6 all of it, and it's all happened to you.

7 JEREMY THACKER: Then --

8 JASON WALKER: And, and I, and I know  
9 it --

10 JEREMY THACKER: Yeah.

11 JASON WALKER: -- all happened.

12 JEREMY THACKER: I agree.

13 JASON WALKER: I don't know how that's  
14 fucking possible.

15 JEREMY THACKER: I agree.

16 JASON WALKER: And the world is not out  
17 to get you. Certainly, we're not. But --

18 JEREMY THACKER: It, it's not that I  
19 think it's out to get me. It's that when it happens --

20 JASON WALKER: Well, I --

21 JEREMY THACKER: -- it just -- like  
22 acknowledgment of it. And --

23 JASON WALKER: But, but -- so -- I mean,  
24 like, I couldn't -- I can't acknowledge what I don't  
25 know, for one thing. And, so, like for an example, with



1 that pay thing. And Tyler -- I mean he -- I know for a  
2 fact if he had come down here and talked to me about it,  
3 we would have figured out something. Worst case  
4 scenario, saying, all right, Jeremy, actually if you want  
5 to do something, we know you're getting paid, go charge  
6 something on the credit card and pay us back. I'm just  
7 using that as an example as the fucking worst case  
8 scenario if we couldn't get you a check (inaudible) fuck,  
9 I would have written you a check.

10 I -- but I didn't know. And so, you know -- I  
11 feel terrible that that happened, but I, honest to God,  
12 didn't know. I knew, I knew that you didn't get paid,  
13 and then you were then going to get paid on the 20th.  
14 And based on the fact that we broke the order up -- and  
15 then, technically, we shouldn't even have done that -- I  
16 was like, okay, well, that's fucking better than nothing  
17 and that's good; at least he's going to get paid on that.  
18 And that was the way I kind of left it.

19 JEREMY THACKER: Yeah. And that's --

20 JASON WALKER: But I didn't know the  
21 background.

22 JEREMY THACKER: I, I get that. And  
23 that's because I'm trying -- like I don't want -- it --  
24 that's the ironic part of it, is that I'm trying not to  
25 be in here --

1 JASON WALKER: But you could -- so here's  
2 how you could -- let me just tell you how you could have  
3 done something. Okay?

4 JEREMY THACKER: Okay.

5 JASON WALKER: If you had come down and  
6 said can I talk to you, I really need to talk to you  
7 about something's that's going on, and provided the  
8 scenario about -- you know, the background and what was  
9 going on, et cetera, et cetera, et cetera -- I mean, I  
10 don't think ~~(inaudible) important~~ to try and get  
11 something done for you. I would have reacted poorly

12 JEREMY THACKER: I did tell Tyler all of  
13 that.

14 JASON WALKER: I, I know you did. And  
15 so --

16 JEREMY THACKER: And so --

17 (Indiscernible)

18 JEREMY THACKER: -- when I went to you  
19 with this --

20 JASON WALKER: So, but -- (inaudible)

21 JEREMY THACKER: -- he got mad at me  
22 about going around him.

23 JASON WALKER: But, but something that  
24 you did -- somehow he didn't get it. Because Tyler looks  
25 out for you as much as anybody.

1 JEREMY THACKER: I know that.

2 JASON WALKER: Maybe more. And, so,  
3 something didn't get communicated there effectively. And  
4 I, I don't -- I'm not saying it's your fault. Either he  
5 didn't hear it or you didn't say it right. Or maybe  
6 clear. And I'm not blaming; I'm just saying something  
7 happened. And, and there's -- there's something that's  
8 routinely happening here that we need to clean up because  
9 there's -- I don't want any -- no one should have that  
10 much stuff happen to them.

11 JEREMY THACKER: Yeah.

12 JASON WALKER: And, and that's why --

13 JEREMY THACKER: And I will tell you, I  
14 agree about what you said earlier that I'm doing new  
15 shit. And I'm paving new paths.

16 JASON WALKER: It's just fucking painful.

17 JEREMY THACKER: Yeah. It is. And --  
18 but -- when it works, I feel like there should be some  
19 celebration of it instead of a penalty for it while  
20 everybody else celebrates it. Like it --

21 JASON WALKER: Well, we are --

22 JEREMY THACKER: There's been --

23 JASON WALKER: What I was planning --

24 JEREMY THACKER: -- actual celebrations.

25 JASON WALKER: What I was planning on

1 doing in the fucking sales meeting was just that for you,  
2 next month.

3 JEREMY THACKER: I don't --

4 JASON WALKER: But --

5 JEREMY THACKER: Yeah.

6 JASON WALKER: But, you, you don't -- you  
7 know, I know you won't like that. But that's the only --  
8 you know, there are things in, in -- you know -- the  
9 way --

10 JEREMY THACKER: No, the way -- all I  
11 care about is just the fair comparisons. That's really  
12 all I give a fuck about, is if I'm going to be  
13 criticized, do it across the board and do it fairly. If  
14 I'm asked to stand next to David, then do it fairly. I  
15 don't want to --

16 JASON WALKER: I'm not comparing you to  
17 Josh or David.

18 JEREMY THACKER: I know you may not be.

19 JASON WALKER: Well --

20 JEREMY THACKER: The other people with  
21 the perception issues --

22 JASON WALKER: But --

23 JEREMY THACKER: -- do.

24 JASON WALKER: But this year, you might  
25 beat both of them. Or -- put it this way. You're going

1 to have a great year. And, and by the way, nobody  
2 thought you had a bad year last year. I certainly  
3 didn't, and I don't think Rob did. I really doubt --

4 JEREMY THACKER: Well, I don't think  
5 that, either. But they thought the government had a --  
6 like --

7 JASON WALKER: Well, we did. We -- but  
8 that's not your fault.

9 JEREMY THACKER: I know that.

10 JASON WALKER: That was more my fault.  
11 And it was, it was, it was -- and I don't really even  
12 know it was my fault. But -- the reason it was my fault  
13 is because the expectations were set poorly. But that  
14 was based on shit that Mike told me. And I believed him,  
15 and that was my mistake.

16 JEREMY THACKER: Agreed.

17 JASON WALKER: I fucked up. And that's  
18 why I owned it up in the, in the sales meeting. It's  
19 not -- we were putting the numbers up, and I wasn't going  
20 to sit there and make a bunch of excuses (inaudible) now  
21 we're going to kill it.

22 JEREMY THACKER: And I don't care about  
23 the numbers. I care about the overall perception. Like  
24 all I give a shit about is I don't want to be bothered.  
25 I'm going to do the fucking work. If you're going to be

1 fair to me, I'll do the work. I'll get it done. I'll  
2 get it done a weird way. You probably don't -- like, I  
3 get all that.

4 But at this -- like, I still feel like my  
5 intentions are being questioned. And I've been good to  
6 people. I've been nice to people. I've gone out of my  
7 way to be fucking nice to people and let shit go. I've  
8 got 37 emails in my drafts right now to send to you that  
9 I never sent last year, ripping (indiscernible name) ass  
10 open for (indiscernible) and Mike, and all fucking  
11 hundred other things that happened. And I'm Abraham  
12 Lincoln and that shit.

13 But, like, it's -- so I do feel like I'm giving  
14 a -- and I feel like I'm being nitpicked on the other  
15 side in a lot of cases. And that's hard, and that's all  
16 I'm saying. And I'm going to do it. I'll go shut up and  
17 I'll go do my work and I'll be here. But --

18 JASON WALKER: Well --

19 JEREMY THACKER: I just want to be  
20 listened to when I -- and --

21 JASON WALKER: So, I would rather -- see,  
22 here's the thing. You -- would you write an email --

23 JEREMY THACKER: I don't want it to come  
24 to that.

25 JASON WALKER: What?

1 JEREMY THACKER: I don't want it to come  
2 to that.

3 JASON WALKER: No. But it's like, again,  
4 in, in -- when I'm in Vist -- it's just -- the -- this  
5 conversation is much more productive than emails.

6 JEREMY THACKER: It -- you know, I -- but  
7 I -- all right. So --

8 JASON WALKER: I, I --

9 JEREMY THACKER: -- can you please say  
10 that I had four conversations with you and Tyler --

11 JASON WALKER: I understand that. I  
12 understand that.

13 JEREMY THACKER: -- and no communication  
14 back?

15 JASON WALKER: But I also don't -- but  
16 here's -- so, part of it's because I'm like, look --  
17 well, first of all, you weren't here when I started to  
18 deal with this. But the other thing, too, if you -- if I  
19 tell you I'm going to do something, I'm going to do it.  
20 It may take -- and I should -- maybe I should have told  
21 you an update.

22 But the other thing, too, is like I don't, I  
23 don't have the background that -- how urgent this was  
24 because of your finances. Because in my head, I'm like,  
25 well, Jeremy sold a lot of shit --

1 JEREMY THACKER: It shouldn't have to be  
2 due to my finances, though. Like when it's --

3 JASON WALKER: But the timing makes it  
4 more (inaudible) I -- again, I do this in accordance to  
5 how I think I can get the biggest win.

6 JEREMY THACKER: Oh, no. That, that, I'm  
7 fine with. But like if, if just the regular payroll  
8 stuff, when it happened --

9 JASON WALKER: Well, that's what I mean.  
10 I didn't know that. So I, I -- and I'm sorry that I  
11 didn't know that. But I, I -- and so if Tyler knew that  
12 and Tyler didn't tell me, I need to talk to Tyler.

13 But it shouldn't --

14 JEREMY THACKER: What I'm saying is it  
15 shouldn't have to do with my finances, though. Just the  
16 fact that we weren't communicated with as a -- like not  
17 me, individually. The sales team has not been  
18 communicated with that we're not going to get paid on  
19 something for six months. We're not making enough  
20 Goddamn money to have leeway. And yet the leeway -- like  
21 if you asked James, James, are you okay waiting six  
22 months for your fucking bonus? He would shit on the  
23 floor and you'd never see him again.

24 JASON WALKER: So --

25 JEREMY THACKER: Yet he does it --



1 things. The things I asked for I think were very  
2 reasonable. They didn't happen, and I think some  
3 unreasonable things that did happen to me.

4 And I'm saying if I'm coming to Tyler or you --  
5 I think Tyler missed out on last year, to be honest with  
6 you. When I wasn't a pain in the ass. He had me as a  
7 pain in the ass and then when I wasn't. Because you and  
8 I haven't had issues. But -- and I think he still has  
9 that perception, maybe, too, that I'm --

10 JASON WALKER: No. I --

11 JEREMY THACKER: He walked right back  
12 into it.

13 JASON WALKER: Well, no. I, I think what  
14 he -- he was like, fuck, you didn't have any issues. And  
15 I'm like, no, I didn't. And, and he was like, well, now  
16 he's slipping back.

17 And so we wanted to talk to you. Again, I  
18 don't want to rehash this (inaudible) conversation. But  
19 that was the impetus, and I -- when I, I'm, look, we need  
20 to talk to him, we've got to get this in order.

21 JEREMY THACKER: Just under -- I've been  
22 found guilty for shit I didn't do. I know I'm guilty of  
23 some shit. But I've been found guilty of things that I  
24 didn't -- I don't mean here, I just mean life. And I'm  
25 fucking sensitive to it. And when people --

1 JASON WALKER: I get it.

2 JEREMY THACKER: -- say shit that's not  
3 true about me --

4 JASON WALKER: Look. I -- and I'm going  
5 to say one more thing here. And I don't want to go down  
6 this path. I don't -- and I'm, I'm happy I don't know  
7 anything. Because I don't.

8 JEREMY THACKER: Yeah.

9 JASON WALKER: Okay? And I mean it.  
10 Only from the standpoint is because --

11 JEREMY THACKER: You don't want to know.  
12 I know.

it's a messy

13 JASON WALKER: It, it is -- ~~that's the~~  
14 issue. But I don't condone anything like that. I  
15 don't -- I think that you should be able to come here and  
16 do your job and go home and, and leave it at that.  
17 Everybody should. And -- you know. I will do everything  
18 that I can to continue to try and make sure that that is  
19 possible, up to and including letting you not be here all  
20 the time. But to the extent that we can coordinate when  
21 you are here, it's better. Because that helps with other  
22 things more than you know. And it allows me to push for  
23 things that are right. And I'll leave it at that.

24 JEREMY THACKER: Okay. All right.

25 ~~JASON WALKER: And it's -- you know,~~

1 ~~unfortunately, that is discussed (inaudible) Vistage~~  
2 ~~yesterday. We were having a different discussion when~~  
3 ~~something came up about HR and, you know (inaudible) I~~  
4 ~~was like, yeah, yeah, that'd be nice. They were like you~~  
5 ~~guys (inaudible) HR and everyone has been collecting~~  
6 ~~speculate as to what that (inaudible). But I won't.~~  
7 ~~But, it's also a conversation that I am going to have~~  
8 ~~because it's necessary.~~ ← **\*\*See page 58**

9 JEREMY THACKER: All right. I'm not  
10 being a dick (inaudible) anybody. I've, I've vented to  
11 Tyler. That's all -- that's it. I didn't -- shot back  
12 on the fact that I went out of my way to be nice to  
13 everybody else. And I will not bring anything that's not  
14 valid. All I ask is that if it's valid that it's  
15 listened to. And that's it. That's that's all I  
16 request.

17 JASON WALKER: So the open items from  
18 this conversation, the two ~~words~~, what are the, what  
19 are -- **orders**

20 JEREMY THACKER: I'm not even worried  
21 about that. I got money now.

22 JASON WALKER: Well, I, I don't want you  
23 to not have money. So, so what I'd like to do is put  
24 something in place. So -- like I don't want to wait  
25 until it becomes an emergency.

1 (inaudible.)

2 UNIDENTIFIED MALE: I think I did. Think  
3 I did.

4 (Multiple voices - indiscernible)

5 (END OF RECORDING)

6 \* \* \*

7 \*\*This should replace the text that was struck through at 52:25 through 53:8.\*\*

8 JASON WALKER: Unfortunately, as discussed in my Vistage group yesterday, we were having  
9 a different discussion, and something came up about HR and I was like, "Yeah that would be  
10 nice." They were like, "You guys don't have an HR department?" And everyone's collective  
11 jaw dropped on the floor. They were like, "You guys are way too big..."

12 JEREMY THACKER: There are reasons for that.

13 JASON WALKER: Probably. I can only speculate as to what they might be. But I won't. But,  
14 it's also a conversation that I am going to have because it's necessary.

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1 BE IT KNOWN that the foregoing is a true and  
2 accurate transcription of an audio recording done to the  
3 best of my skill and ability.

4 I was not involved in, nor was I present for  
5 these proceedings, and I make no representation as to the  
6 accuracy or completeness of the audio recording itself.

7 I FURTHER CERTIFY that I am in no way related  
8 to any of the parties hereto nor am I in any way  
9 interested in the outcome thereof.

10

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13 \_\_\_\_\_  
Annette Satterlee  
14 Arizona Certified Reporter #50179

\_\_\_\_\_  
DATE

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# EXHIBIT C

UNITED STATES DISTRICT COURT  
DISTRICT OF ARIZONA

Jeremy Thacker,	)	
	)	
Plaintiff,	)	No. 2:18-cv-00063-PHX-DJH
v.	)	
	)	
GPS Insight, LLC; Robert J.	)	
Donat, individually and as	)	
Trustee of the Robert Donat	)	
Living Trust Dated	)	
April 19, 2017,	)	
	)	
Defendants.	)	
_____	)	

REPORTER'S TRANSCRIPTS OF AUDIO RECORDING

AUDIO FILE NO. 3

Transcribed from audio recording by:

Annette Satterlee, RPR, CRR, CRC  
Arizona CR No. 50179

1 way was (inaudible) posting my (inaudible) how do we do  
2 something in a way that allows you to get compensated for  
3 that but also allows us to move forward, too.

4 And I don't know that all the factors being  
5 involved in the conversation Jason and I had we feel that  
6 there's a path forward that really allows us to go down a  
7 future together. So --

8 JASON WALKER: Where you would be coming  
9 in here happy. I don't want -- and we talked about that,  
10 and I was saying for mental health --

11 JEREMY THACKER: Yeah.

12 JASON WALKER: -- for you, for us, and  
13 for the company. So that was kind of --

14 UNIDENTIFIED SPEAKER: That was kind of  
15 where Jason and I were. We talked probably half an hour  
16 that night, and then we talked for quite a while on  
17 Friday and kind of came to the conclusion that we  
18 probably need to part ways, but to figure out a way that  
19 we could get you paid for the stuff that you talked  
20 about. How do we get you taken care of with LCI; how do  
21 (inaudible) CMI; what do we do about Amerisure.

22 On the heels of that, we had a conversation  
23 with Rob where he brought some things to our attention  
24 (indiscernible) looking into calls and the activities for  
25 last week that he just said, look, I want you guys to be



1 aware of these things.

2 And over time, and as you remember our  
3 conversation last week, one of the things that became  
4 more and more difficult was defending you and trying to  
5 say to Rob, look, he's working, trust us. He's doing  
6 this, trust us.

7 So, we took the opportunity, with those two  
8 things being brought up, to have a conversation with him  
9 and say, look, we feel like we might be better off moving  
10 in a different direction and letting Jeremy go, but  
11 here's how we'd like to do it.

12 JEREMY THACKER: What two things?

13 JASON WALKER: Well, we can talk about  
14 that.

15 JEREMY THACKER: Oh.

16 JASON WALKER: But, we talked to him  
17 about a way that we can do that that would take care of  
18 you. So that -- going back to the conversation you and I  
19 had, you know, how do you move on with the least amount  
20 of damage, I think that we figured out a way to do that.

21 We also don't have much of an option because of  
22 the things that he discussed, that's really not something  
23 that we can get into. So, we --

24 UNIDENTIFIED SPEAKER: Sorry.

25 JASON WALKER: -- basically came up with

1 basically a severance agreement that will get you paid  
2 out on stuff and take care of things.

3 We are terminating your employment today. But,  
4 we want to go over the things (inaudible) few things,  
5 also go over the severance agreement.

6 And then the reason Gary's joined us is due to  
7 the new data security requirements that we have, in his  
8 role, he just has to walk you through a few things in  
9 terms of systems and access that you have -- or systems  
10 that you have access to in order to walk through that.

11 So, I'm sure you're going to have questions.  
12 But we can talk about the things (indiscernible) brought  
13 to our attention if you want to.

14 JEREMY THACKER: Okay.

15 JASON WALKER: We'll walk through the  
16 severance agreement. We want you to look at that. And  
17 we'll explain what it includes, how it will work --

18 JEREMY THACKER: Okay.

19 JASON WALKER: -- and what the  
20 (indiscernible) are behind that.

21 JEREMY THACKER: Okay.

22 JASON WALKER: So, the first thing when  
23 he came in was he walked by your office last week and  
24 noticed you were on the phone. And you were kind of  
25 leaning back. It was -- I think he thought you were

1 staring at the ceiling or something. And he was like,  
2 oh, I've never heard Jeremy on a call. So he  
3 (indiscernible) listen.

4 And you were on a customer call. And then he  
5 was in the phone system, and there was a large file that  
6 was a recorded call, and he listened to that as well.

7 And the call was you speaking to the Hyatt --

8 JEREMY THACKER: Uh-huh.

9 JASON WALKER: A call center. And the  
10 call was being recorded. And it was a call that -- it  
11 was -- it didn't come across very well. It was a -- you  
12 were -- I would, I would just call it bullying the call  
13 center, it was pretty good, about something. It was --  
14 it put you in a -- not a good light.

15 JEREMY THACKER: Okay.

16 JASON WALKER: And it was something that  
17 Tyler and I kind of listened to, and we were like, okay.  
18 He -- there was nothing that (inaudible) and I hope for  
19 God's sakes we never talk to our customers that way.

20 But it was a -- based on kind of some of the  
21 stuff we had been talking about before, something that  
22 neither Tyler or I could defend in any way because of the  
23 nature of the call. For one, it put you -- just the way  
24 that you were talking to people (inaudible) very  
25 professional.

1           The second thing was that he just said, you  
2 know, what else did he do that weekend? There was really  
3 less than 56 minutes, I think, in total phone time over  
4 the four days. So, again, it was just something -- when  
5 Tyler and I kind of had that put in our lap (inaudible)  
6 I, I don't have a way to defend that. It was difficult.

7           And that's when we started having the  
8 conversation of let's figure out a way to give Jeremy the  
9 recognition from a payout perspective of all the things  
10 that he's done, put together a plan that will help him  
11 transition smoothly. And that's what we want to go over,  
12 because we think we've been able to do that. And I think  
13 it will be better for you ultimately, just given the  
14 stuff that's gone on here, in your mind; better for us  
15 because we won't have to be kind of in the middle of  
16 this; and then also just better for the company overall.

17           So, that's what Tyler's got a copy of. We'll,  
18 we'll give it to you so you can look it over. And I want  
19 to walk you through it and just kind of explain to you --  
20 it's very clear, but I want to explain to you what it --  
21 if you have questions, I'll take you through it  
22 step-by-step.

23                       JEREMY THACKER:     Okay.

24                       JASON WALKER:     So, will you read it, and  
25 then I'll answer any questions (inaudible) if you have

1 know that I've seen them. So --

2 UNIDENTIFIED SPEAKER: Well, he came to  
3 us with that information (inaudible) not to do anything  
4 cause of action or direction when he came and talked to  
5 us.

6 What Jason and I have told you is exactly how  
7 things happened. We had a discussion trying to figure  
8 out what's going on. So, whether he's done that, they  
9 were recorded on his server. They're his property. They  
10 were done on his phone system. He can probably do what  
11 he wants with them. So --

12 JEREMY THACKER: I don't think he can  
13 call me a complete piece of shit to the girl that I'm  
14 dating that's not involved in it.

15 JASON WALKER: Well, we're not going to  
16 get into a legal discussion of it. But --

17 JEREMY THACKER: Well, we are. I mean,  
18 this is a legal discussion. I don't know how to --

19 UNIDENTIFIED SPEAKER: (Inaudible)  
20 actions in this discussion.

21 JEREMY THACKER: Yeah. Well, I know.  
22 But it's, it -- that's why we're here.

23 UNIDENTIFIED SPEAKER: I understand.

24 JEREMY THACKER: Yeah. I mean, I  
25 wouldn't have set up 1500 (inaudible) and we didn't have

1 any problems until I started dating Kristen. So the  
2 coincidence of being asked about going to Chicago, about  
3 him going through my recordings, about all of it, is not  
4 coincidence.

5 But, at the same time, I don't, I don't want to  
6 be involved in a lawsuit. I don't want any -- I don't  
7 think -- I do appreciate what you two have done, and I  
8 care about other people here and I don't want to go down  
9 that road of trying everything in the mud and getting  
10 (inaudible) and people having to take the stand. It's  
11 bullshit. But I don't necessarily think that this is  
12 fair compensation based on knowing that as well.

13 JASON WALKER: So, you don't have to  
14 decide right now.

15 JEREMY THACKER: Okay.

16 JASON WALKER: That is your option.  
17 Obviously, we tried to put this together to give you, you  
18 know -- we, we do think it's fair. That's why we put it  
19 together. We're very pleased with it. But --

20 JEREMY THACKER: You think it's fair  
21 based on discrimination, or no? (Inaudible) just fair  
22 based on purely if we take that out of consideration, but  
23 that, that can't be -- like I saw the text message saying  
24 that he had proved what he'd known all along, that I was  
25 a complete piece of shit. So.

1 BE IT KNOWN that the foregoing is a true and  
2 accurate transcription of an audio recording done to the  
3 best of my skill and ability.

4 I was not involved in, nor was I present for  
5 these proceedings, and I make no representation as to the  
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8 to any of the parties hereto nor am I in any way  
9 interested in the outcome thereof.

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13 \_\_\_\_\_  
Annette Satterlee  
14 Arizona Certified Reporter #50179

\_\_\_\_\_  
DATE

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# EXHIBIT D



UNITED STATE DISTRICT COURT

FOR THE

DISTRICT OF ARIZONA

Jeremy Thacker	)	Civil Action No.
	)	2:18-cv-00063-DJH
Plaintiff,	)	
v.	)	
	)	
GPS Insight, LLC; Robert	)	
Donat, individually	)	
	)	
Defendants.	)	
_____	)	

DEPOSITION OF ROBERT DONAT

August 22, 2018  
Phoenix, Arizona  
10:00 a.m.

PREPARED FOR:

ATTORNEY AT LAW

(COPY)

REPORTED BY:

Mary Davis, RPR  
Arizona CCR No. 50271

AZ Registered Reporting Firm No. R1008

1 foundation.

2 A. Among other things, yes.

3 BY MR. SILENCE:

4 Q. What other reasons?

5 A. Reasons that I don't personally know because I  
6 don't directly supervise Jeremy Thacker.

7 Q. So as you sit here today, all you know is that  
8 Jason terminated Jeremy because of a difficult and  
9 antagonistic conversation that they had on March 2nd,  
10 2017?

11 MS. FRANCIS: Object to form.

12 A. No.

13 BY MR. SILENCE:

14 Q. Well, I'm not understanding what -- why you  
15 believe Jeremy was terminated by Jason, other than  
16 Jason coming to you and telling you that he had a  
17 difficult and antagonistic conversation with Jeremy?

18 A. I presume there were many things leading up to  
19 that meeting which required the meeting. And after the  
20 meeting, it became clear to Jason that Jeremy needed to  
21 be let go.

22 Q. What involvement, if any, did you have in the  
23 termination of Mr. Thacker?

24 A. None.

25 Q. Did you make statements to Jason that were

1     disparaging about Jeremy that he -- you believe he may  
2     have relied on in terminating Jeremy?

3     A.     No.

4                     MS. FRANCIS: Object to form and  
5     foundation.

6     A.     No.

7     BY MR. SILENCE:

8     Q.     So is it your testimony that Jason made the  
9     decision to terminate Jeremy on his own without any  
10    input or involvement from you?

11    A.     That's two different questions. Can you break  
12    it up for me so I can answer them accurately?

13    Q.     Is it your testimony that Jason terminated  
14    Jeremy without any input from you?

15    A.     No. Hold on, let me -- let me hear that  
16    question one more time, please.

17    Q.     Is it your testimony that Jason terminated  
18    Jeremy without any input from you?

19                     MS. FRANCIS: Object to form.

20    A.     No. It is my understanding that he made the  
21    decision to terminate Jeremy with no input from me.  
22    He then terminated Jeremy after we discussed something,  
23    so I don't know if any input of mine became relevant.

24    BY MR. SILENCE:

25    Q.     What input did you provide to Jason about

1 Mr. Thacker's performance?

2 MS. FRANCIS: Object to form.

3 A. None.

4 BY MR. SILENCE:

5 Q. You didn't make any disparaging comments about  
6 Jeremy to Jason prior to Jeremy's termination?

7 A. No.

8 Q. Did you make any disparaging comments about  
9 Jeremy to Tyler Mortensen prior to Jeremy's

10 termination?

11 A. No.

12 MS. FRANCIS: Object to form.

13 He answered.

14 BY MR. SILENCE:

15 Q. Oh, I'm sorry. What did you say?

16 MS. FRANCIS: Can you read the answer  
17 back --

18 THE WITNESS: To make sure -- I don't  
19 recall -- yeah, can you --

20 THE COURT REPORTER: I have -- "No" was  
21 your answer.

22 THE WITNESS: No was my answer. No.

23 BY MR. SILENCE:

24 Q. Who made the decision to fire Kristin Lisson?

25 A. I did.

1 Jason Walker?

2 A. I wanted -- if that was the case, which I  
3 think I would have, he was aware of the fact that we  
4 were dealing with Jeremy's malicious acts, and I wanted  
5 him to have an understanding of what we were dealing  
6 with.

7 Q. Do you know how you sent this to Jason?

8 A. If I sent it to him, it would have been via  
9 email.

10 Q. Well, I thought you said you did sent it to  
11 him?

12 A. I said likely. I believe I said likely.

13 I don't recall exactly sending it via email to  
14 Jason. I just presume that he was the one person  
15 working with me on Jeremy's difficult nature subsequent  
16 to his termination. And had I sent it to Mr. Walker,  
17 it would have been via email.

18 Q. Have you ever asked for or been provided a  
19 copy of a LexisNexis report like this for any other  
20 GPSI employee?

21 MS. FRANCIS: Object to form.

22 A. Yes.

23 BY MR. SILENCE:

24 Q. Which employees?

25 A. One employee. And it was right at the same

1 time, I believe, by Mr. Galbut, or his firm, and it was  
2 for Ms. (Indiscernible).

3 (Clarification by the Court Reporter.)

4 A. Ms. Lisson.

5 BY MR. SILENCE:

6 Q. Did your attorney provide you a copy of the  
7 LexisNexis report for Ms. Lisson prior to her  
8 termination?

9 A. Can you remind me what date her termination  
10 was? I believe it was March...

11 Q. March 19, I believe.

12 A. I don't recall.

13 Q. Do you recall why you asked your attorney to  
14 provide you a copy of the LexisNexis report for Kristin  
15 Lisson?

16 MS. FRANCIS: Object to form and  
17 foundation.

18 A. I don't recall having asked him for one.

19 MS. FRANCIS: And, again, Counsel, you're  
20 getting into privileged communications.

21 BY MR. SILENCE:

22 Q. Did you say you didn't ask your lawyer to  
23 provide it?

24 A. I don't recall asking him to provide it, no.

25 Q. So you believe --

1 BY MR. SILENCE:

2 Q. What involvement, if any, did you have in the  
3 termination of Mr. Thacker?

4 A. Here I --

5 MS. FRANCIS: Objection; asked and  
6 answered.

7 A. After it was decided that Mr. Walker was going  
8 to terminate Mr. Thacker, I became involved as the  
9 owner of a company with a potentially difficult  
10 employee, based on previous conversations with  
11 Mr. Walker, as to how to communicate his being  
12 terminated, as well as how to present a severance  
13 package. Because I was in Florida, I was unable to do  
14 so myself, if I had chosen to.

15 BY MR. SILENCE:

16 Q. If Mr. Walker made the decision to terminate  
17 Jeremy before this text, why did you need to dictate  
18 the reason for his termination?

19 MS. FRANCIS: Object to form.

20 A. I didn't dictate. I just simply was  
21 explaining why I thought -- how I thought Jason should  
22 frame his termination.

23 BY MR. SILENCE:

24 Q. But I thought you said you left these kinds of  
25 decisions to the manager.

1 MS. FRANCIS: Object to foundation.

2 A. Without my authorization and without the  
3 authorization to give to Mr. Thacker, Mr. Thacker's  
4 friend and supervisor, perhaps at the time,  
5 Mr. Mortensen, advised Mr. Thacker that he could use  
6 the company credit card for necessities because he  
7 could not pay his bills. I don't know what those  
8 necessities meant. Nothing was in writing.

9 It became clear months later that Mr. Thacker  
10 had -- I had been told at one point racked on up on the  
11 order of \$10,000 of nonbusiness related charges. This  
12 was brought to Jason's attention by Mr. Holder, my  
13 controller, at which point Jason was prepared to  
14 terminate Mr. Thacker for fraudulently using GPS  
15 dollars for personal use.

16 BY MR. SILENCE:

17 Q. To the best of your knowledge, did Jason ever  
18 give permission to Jeremy to use the card for personal  
19 expenses because he was struggling financially?

20 MS. FRANCIS: Object to form and  
21 foundation.

22 A. I don't believe that he did, no.

23 BY MR. SILENCE:

24 Q. So your testimony is that if Jeremy used the  
25 card to purchase any personal expense during his time



1 wanted to have her as your queen, or words to that  
2 effect?

3 MS. FRANCIS: Object to form.

4 A. I do not recall the details of my text to her.

5 BY MR. SILENCE:

6 Q. Does it sound like -- does the comment that I  
7 want to have you as my queen sound like something you  
8 might say to her at that time?

9 A. No. Roughly, I recall her telling me that she  
10 could never have a relationship with me because she  
11 could never work for -- excuse me. She could never  
12 have a relationship with somebody whom she worked for.  
13 And I may have said something like, Well, if I'm -- but  
14 I don't know what I said. Something to the effect of  
15 if I'm king, you can be queen, perhaps.

16 She seems to have taken offense to that,  
17 because she says, quote: I am not okay with being your  
18 "Queen." That's all I recall.

19 Q. Did you provide your response to this text  
20 message where you told Kristin Lisson that Elliot  
21 Batcheller told you that Kristin -- that he always  
22 thought Kristin Lisson was a bitch?

23 MS. FRANCIS: Object to form.

24 A. Yeah. If you can show me the text message, I  
25 can --

1 BY MR. SILENCE:

2 Q. I'm wondering, did you provide the responsive  
3 text message where those words were used?

4 A. I provided --

5 MS. FRANCIS: Object to form.

6 A. I provided a complete backup of my phone to  
7 counsel, and I don't know what they provided you.

8 BY MR. SILENCE:

9 Q. But you don't know whether that response to  
10 that specific text was provided in this lawsuit?

11 MS. FRANCIS: Object to form.

12 A. Yeah. I don't -- I don't provide things to  
13 you; my attorneys do. I don't have any idea what they  
14 do or don't give to you.

15 I know that I've given them everything I've  
16 got. And rather than document dump it to you, they put  
17 what's relevant in whatever form you've got to share.  
18 So I don't know if they provided it to you.

19 BY MR. SILENCE:

20 Q. My question, though, is did you give the  
21 response to that text to your attorneys?

22 A. Yes.

23 MS. FRANCIS: Object to form.

24 BY MR. SILENCE:

25 Q. So the only reason we wouldn't have it is

1 MR. SILENCE: Camper.

2 A. You didn't read it right. Do you want to read  
3 it right?

4 Q. Yes. Please do.

5 A. Do you want me to read it right?

6 Q. Can you just -- my real question is, can you  
7 confirm that the text message in row 217 is a text  
8 message you sent to Kristin on that day?

9 A. Sure. That looks right.

10 Q. What did you mean when you told Kristin that  
11 you wanted equal opportunity distancing from all  
12 parties?

13 A. She stated about 10 minutes prior to my  
14 response, quote: I may purposely distance myself from  
15 everyone temporarily until I can get my bearings and  
16 figure out what I'm doing. I have your number...and  
17 know where you live and work, for that matter. Smiley  
18 face.

19 I was saying to her, I'm glad to hear that she  
20 is distancing everyone and not just me.

21 Q. Who else do you believe Kristin was distancing  
22 herself from?

23 MS. FRANCIS: Object to foundation.

24 A. She doesn't reference anyone else, so I don't  
25 know if that meant people at work, people outside of

1 work. She does reference Jeremy, so we'll go with it  
2 might have meant Jeremy. It might have meant Robert,  
3 her good friend Robert Dennis.

4 But I don't know who specifically  
5 two-and-a-half years ago -- year and a half ago I wrote  
6 that text regarding.

7 BY MR. SILENCE:

8 Q. Sir, isn't it pretty clear that you're telling  
9 Kristin that you wanted her to stay away from Jeremy if  
10 she wasn't going to date you?

11 A. No.

12 MS. FRANCIS: Object to form and  
13 foundation.

14 A. I never say anything about her staying away  
15 from Jeremy.

16 BY MR. SILENCE:

17 Q. You don't use his name, but isn't that what  
18 you're intending to say in the text message on row 217  
19 of this document?

20 MS. FRANCIS: Object to --

21 A. No.

22 MS. FRANCIS: -- form and foundation.

23 A. No. I am telling her that I will be a, quote,  
24 unquote, happy camper -- or I am a happy camper because  
25 she is distancing herself from everywhere (verbatim)

1 temporarily until she can get her bearings and figure  
2 out what she's doing. She has my number, and she knows  
3 where I live and work, for that matter. Smiley face.

4 She is the one telling me that she is  
5 distancing herself from everyone, to include myself.  
6 And I was saying, as long as it's not just me, I'm a  
7 happy camper.

8 BY MR. SILENCE:

9 Q. Sir, the text message 10 minutes before this  
10 says, quote: Then everything with Jeremy happened so  
11 quickly and unexpectedly, in parenthesis, sharing of  
12 feelings, end parentheses, and I am more overwhelmed  
13 than ever about where I am, where I'm headed, and where  
14 I even live. I don't want to let you or anyone down,  
15 so I may purposely distance myself from everyone  
16 temporarily until I can get my bearings.

17 Isn't it pretty clear that your response to  
18 that text message was about Jeremy?

19 MS. FRANCIS: Object to form and  
20 foundation.

21 A. So, again, no. It doesn't have anything to do  
22 with Jeremy.

23 It has to do with the fact that she is, quote,  
24 purposely distancing herself. I say that equal  
25 opportunity distancing, meaning distancing herself from

1 everyone, makes me a happy camper. Not just myself.  
2 Not just Jeremy. Not just Robert Dennis. Not just  
3 Elliot Batcheller, people she works with.

4 She is, quote, purposely distancing herself  
5 from everyone.

6 BY MR. SILENCE:

7 Q. So you --

8 A. What I'm trying to say is, as long as I'm not  
9 the only one you're distancing yourself from, I'm a  
10 happy camper.

11 Does that not make sense?

12 Q. It sounds like you're saying to me, the only  
13 way you'd be a happy camper is if she distances herself  
14 from all GPSI employees.

15 A. Sounds --

16 MS. FRANCIS: Object to form and  
17 foundation.

18 A. It sounds to me like you don't like my answer,  
19 so I'm going to give it again.

20 She says that she is purposely distancing  
21 herself from everyone temporarily. I said: I get it  
22 and as long as it's equal opportunity distancing from  
23 all parties, I am a happier camper. Paraphrasing.

24 Because I did not want to hear that I'm the  
25 only person being distanced from.

1 BY MR. SILENCE:

2 Q. So if she wasn't distancing herself from  
3 everyone equally, you wouldn't be happy?

4 MS. FRANCIS: Object to form.

5 A. If she told me that she was only distancing  
6 herself from me, I would not have been happy.

7 BY MR. SILENCE:

8 Q. Why?

9 A. Because I had long-standing relationship with  
10 Kristin Lisson, and I would not want her to distance  
11 herself from me.

12 Q. And you wouldn't be happy if she did?

13 A. Correct.

14 Q. So the owner of the company and the person  
15 responsible for determining her bonus wouldn't be happy  
16 unless she distances herself -- if she distances  
17 herself from you?

18 MS. FRANCIS: Object to form and  
19 foundation.

20 BY MR. SILENCE:

21 Q. That's your testimony?

22 A. That's not my testimony. I am, in fact, the  
23 owner of the company. To some extent I do, in fact,  
24 determine her bonus. But correct, I would not be happy  
25 should she distance herself from me.

1 MS. FRANCIS: Object to form.

2 A. I don't know. I don't have a copy of my NDA  
3 in front of me, so I don't know.

4 BY MR. SILENCE:



5 Q. Tell me about the terms of the deal between  
6 GPSI and Sagemount.

7 (Clarification by the Court Reporter.)

8 MR. SILENCE: Sagemount.

9 S-A-G-E-M-O-U-N-T.

10 MS. FRANCIS: Object to form.

11 A. Sagemount is a private equity firm owned by  
12 Bregal. They are in New York City, and we agreed that  
13 they would purchase a percentage -- and this is all  
14 public record -- a minority percentage of GPS Insight  
15 from me in exchange for monetary compensation, as well  
16 as their advice, their expertise, their people to come  
17 along.

18 BY MR. SILENCE:

19 Q. Let me interrupt you.

20 A. That's a part of it, but that is a part of the  
21 deal.

22 Q. How much money did Sagemount pay for their  
23 equity stake in GPSI?

24 A. That is under nondisclosure, and I cannot  
25 divulge the dollar amount without being told it's



1 the week to let me process the news in peace. Later  
2 that evening, I received 104 messages and 5 missed  
3 calls.

4 A. Right. Yes. Mr. Walker was unaware of the  
5 fact that I was trying to help Kristin, not only save  
6 the confidentiality for her husband's sake, as well as  
7 her career sake, of our relationship. I shouldn't say  
8 that.

9 The confidentiality for her husband's sake as  
10 well as helping -- trying to help her keep her job,  
11 because it was evident to Mr. Walker that Ms. Lisson  
12 had to be fired because she shared confidential  
13 communications that were detrimental to GPS Insight  
14 with Mr. Thacker.

15 Q. Let me stop you there.

16 My question is, Do you admit that Jason Walker  
17 told you before or on March 9th not to have further  
18 communications with Kristin?

19 MS. FRANCIS: Object --

20 BY MR. SILENCE:

21 Q. Do you deny that?

22 MS. FRANCIS: -- to form.

23 A. I don't know what day or time he asked me to  
24 do that.

25 ///

1 BY MR. SILENCE:

2 Q. And do you deny that whenever it is that he  
3 told you, that you violated his instructions and sent  
4 104 text messages to Kristin Lisson?

5 A. So I'm going to be --

6 MS. FRANCIS: Object to form and  
7 foundation.

8 A. I'm going to be real clear. Mr. Walker does  
9 not tell me what to do.

10 Okay. He told me that Ms. Lisson requested,  
11 and he requested as a result, that I not contact  
12 Ms. Lisson. However, Ms. Lisson and I had a 10-month  
13 relationship that Mr. Walker was not privy to. And as  
14 such, it was not something that I took his advisement  
15 for.

16 I wanted to help Ms. Lisson, and she  
17 acknowledged that she might need my help because she  
18 was telling me things like: She had been hacked by  
19 Mr. Thacker. He has everything. I'm so paranoid. I  
20 don't know who to trust.

21 She then turned around and took my helpful  
22 messages and turned them into this message that she  
23 sent regarding the bullying and harassing.

24 (Exhibit No. 81 was marked for  
25 identification.)

1 STATE OF ARIZONA )  
2 ) ss.  
3 COUNTY OF MARICOPA )

4 BE IT KNOWN that the foregoing proceedings were  
5 taken before me; that the witness before testifying was  
6 duly sworn by me to testify to the whole truth; that  
7 the foregoing pages are a full, true and accurate  
8 record of the proceedings, all done to the best of my  
9 skill and ability; that the proceedings were taken down  
10 by me in shorthand and thereafter reduced to print  
11 under my direction.

12 I CERTIFY that I am in no way related to any of  
13 the parties hereto nor am I in any way interested in  
14 the outcome hereof.

15 {X} Review and signature was requested.  
16 { } Review and signature was waived.  
17 ( ) Review and signature was not required/requested.

18 I CERTIFY that I have complied with the ethical  
19 obligations set forth in ACJA 7-206(F)(3) and ACJA  
20 7-206 (J)(1)(g)(1) and (2), Dated at Phoenix, Arizona,  
21 this 6th day of September, 2018.

22

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33

MARY DAVIS, RPR - Digital Signature  
AZ Certified Court Reporter No. 50271

34 I CERTIFY that OTTMAR & ASSOCIATES, INC., has  
35 Complied with the ethical obligations set forth in ACJA  
7-206 (J)(1)(g)(1) through (6).

36

37

38

39

OTTMAR & ASSOCIATES, INC.  
AZ Registered Reporting Firm No. R1008

# EXHIBIT E

UNITED STATES DISTRICT COURT

FOR THE

DISTRICT OF ARIZONA

Jeremy Thacker	)	
	)	
Plaintiff,	)	Civil Action No.
v.	)	2:18-cv-00063-DJH
	)	
GPS Insight, LLC; Robert	)	
Donat, individually	)	
	)	
Defendants.	)	
_____	)	

DEPOSITION OF JASON WALKER

September 5, 2018  
Phoenix, Arizona  
10:00 a.m.

PREPARED FOR:

ATTORNEY AT LAW

(COPY)

REPORTED BY:

Mary Davis, RPR  
Arizona CCR No. 50271

AZ Registered Reporting Firm No. R1008

1           A.       The last one, I did send that to Kristin, but  
2       it's not related to the previous chain of texts. It's  
3       just almost a month later.

4                   Yes, this appears to be.

5       BY MR. SILENCE:

6           Q.       Do you recall whether you had a meeting with  
7       Kristin Lisson to discuss this issue?

8                   MS. FRANCIS: Object to form.

9           A.       I don't recall, no.

10                  MS. FRANCIS: Can we be clear of what  
11       text you're talking about, since there are two  
12       different issues?

13       BY MR. SILENCE:

14           Q.       I'm talking about Kristin's text to you on the  
15       first page, the second one down from the top. It says:  
16       I'll explain tomorrow, but can you tell me if you know  
17       anything I should be aware of in terms of my  
18       professional relationship at work being in jeopardy? I  
19       got a very confusing and upsetting message just now.  
20       I'm trying to reconcile what it could be without  
21       overreacting.

22           A.       I don't recall having a meeting specifically  
23       about that, but Kristin and I met (Indiscernible) a lot  
24       of things.

25                   (Clarification by the Court Reporter.)

1 A. Met about a lot of things.

2 I'm sorry.

3 BY MR. SILENCE:

4 Q. Kristin had a meeting with you where she told  
5 you that Rob Donat caused her to have a panic attack,  
6 correct?

7 A. Yes. At one point, but it was far after this  
8 string because I clearly had no understanding of  
9 anything that was going on.

10 Q. It seems like from this text message exchange  
11 that you would have met with Kristin on or around  
12 February 13th or 14th. Does that sound about right?

13 MS. FRANCIS: Object to form and  
14 foundation.

15 A. I told you I don't know. It's possible, but  
16 we certainly didn't meet on the 13th. I believe this  
17 was a weekend.

18 BY MR. SILENCE:

19 Q. But you admit that you had a meeting with  
20 Kristin after this text message exchange ended on  
21 February 13, 2017, and in that meeting she told you  
22 that Rob Donat caused her to have a panic attack?

23 MS. FRANCIS: Object to --

24 A. No.

25 MS. FRANCIS: -- form and foundation.

1 BY MR. SILENCE:

2 Q. When did Kristin tell you that Rob Donat  
3 caused her to have a panic attack?

4 A. I don't recall, but it wasn't right after this  
5 text string.

6 Q. Was it a few days after this text string?

7 A. I do not remember.

8 Q. And in that meeting, Kristin told you that Rob  
9 told her that her reputation was being damaged because  
10 of her association with Jeremy Thacker, correct?

11 MS. FRANCIS: Object to form and  
12 foundation.

13 A. At one point that conversation took place. I  
14 don't believe it was after this.

15 Q. When do you believe it occurred?

16 A. Much closer to the time when I happened to  
17 terminate Jeremy. Kristin and I had several meetings.  
18 We met all the time because we worked together.

19 BY MR. SILENCE:

20 Q. And in those meetings, Kristin also told you  
21 that Rob Donat told her not to talk to you about him,  
22 correct?

23 MS. FRANCIS: Object to form and  
24 foundation.

25 A. No.



1 BY MR. SILENCE:

2 Q. Did GPSI have an HR department in 2016 and  
3 '17?

4 MS. FRANCIS: Object to form.

5 A. No.

6 Q. Prior to Jeremy's termination, what was the  
7 protocol with respect to what you, as a manager, should  
8 do when one of your employees is complaining about  
9 harassment by Rob Donat?

10 MS. FRANCIS: Object to form and  
11 foundation.

12 A. There wasn't a specific policy for what you  
13 just asked me.

14 BY MR. SILENCE:

15 Q. Well, how should that situation be handled?

16 MS. FRANCIS: Object to form and  
17 foundation.

18 A. I believe it should be handled exactly the way  
19 I handled it, which was as soon as I had anything  
20 concrete, in an official complaint, I went right to him  
21 and told him to stop. And I documented it.

22 BY MR. SILENCE:

23 Q. What should the employee who is the victim of  
24 harassment do in that situation?

25 MS. FRANCIS: Object to foundation and

1 BY MR. SILENCE:

2 Q. I just want to be very clear. I understand  
3 your testimony is you didn't know they had an affair  
4 March 9th, 2017, right?

5 MS. FRANCIS: Objection; form, asked and  
6 answered.

7 A. I answered --

8 BY MR. SILENCE:

9 Q. My question is --

10 (Clarification by the Court Reporter.)

11 A. I answered it. That's what I said.

12 BY MR. SILENCE:

13 Q. My question is, you also were not aware that  
14 Rob Donat had any kind of romantic interest in Kristin  
15 Lisson until March 9th?

16 MS. FRANCIS: Objection; form, asked and  
17 answered.

18 A. It is impossible for me to know what Rob's  
19 interests were. I did not know.

20 BY MR. SILENCE:

21 Q. Did you ever tell Kristin Lisson that you  
22 believed Rob had a crush on her?

23 A. Yes.

24 Q. When did you tell Kristin Lisson that?

25 A. I don't remember.

1 Q. It was prior to Jeremy's termination, right?

2 A. Yes.

3 Q. Isn't that a romantic interest?

4 MS. FRANCIS: Objection; form.

5 A. Not to me, no. That's not what I was alluding  
6 to.

7 BY MR. SILENCE:

8 Q. So you admit that Kristin told you prior to  
9 Jeremy's termination that Rob had a crush on her, but  
10 you deny that that constitutes having a romantic  
11 interest?

12 MS. FRANCIS: Objection; form and  
13 foundation.

14 A. He was married. People have crushes on  
15 people. He liked her as an employee. That's all I can  
16 say.

17 BY MR. SILENCE:

18 Q. But, sir, you said he had a crush on her.

19 A. Yes.

20 Q. Can you look at Exhibit 112, please.

21 A. Uh-huh.

22 Q. Have you seen this document before?

23 A. I believe it was brought up in a prior  
24 deposition.

25 Q. It was produced to us in this lawsuit as text

1 you refer to his moving to the Government sales team as  
2 a promotion, did you not?

3 A. If that's what the recording says. I don't  
4 remember. That was a very long meeting.

5 Q. But if you said it was a promotion, you now  
6 say it wasn't a promotion?

7 MS. FRANCIS: Objection; form.

8 A. In terms of it being a salary increase, it was  
9 not a promotion. You can constitute it any way you  
10 want.

11 Is there a point that you're trying to make?  
12 We gave him an opportunity even though he had done some  
13 things in the past that we didn't approve. I mean --  
14 BY MR. SILENCE:

15 Q. The point I'm trying to make is that --

16 MS. FRANCIS: Go ahead. Finish.

17 A. I'm trying to understand the rationale for  
18 your questioning.

19 MS. FRANCIS: He doesn't have to answer  
20 it.

21 BY MR. SILENCE:

22 Q. The point that I'm trying to make is that this  
23 issue about his use of the credit card occurred in 2015  
24 and yet, Jeremy was given the opportunity to work in  
25 the Government sales team where he could sell more

1 units and make more money, correct?

2 A. Yes.

3 Q. Why was Jeremy given the opportunity to work  
4 on the Government sales team, to sell more units and  
5 make more money, if there were, quote, issues  
6 surrounding him?

7 MS. FRANCIS: Object to form.

8 A. Because Tyler and I both believed that if we  
9 could keep Jeremy focused, he could be successful. We  
10 wanted him to turn the corner, and we thought if he  
11 could make more money, it would help him get out of  
12 some of his financial issues, which would help him  
13 improve his life. That's why we did it.

14 BY MR. SILENCE:

15 Q. You felt bad for him?

16 A. I wanted to help Jeremy.

17 Q. Wasn't Jeremy an effective sales agent?

18 A. He could be.

19 Q. Well, when he was given the opportunity to  
20 work on the Government sales team, did you feel he was  
21 an effective sales agent?

22 A. He could be.

23 Q. Well, my question was, was he at that time?

24 A. At times.

25 Q. If he wasn't a consistently good -- an

1 A. Tyler and I had talked about this program. He  
2 was continuing to work on it. He thought he was  
3 developing it into something really good.

4 Again, I wanted to wait until we had better  
5 information to propose a better business case. I don't  
6 like having conversations about hypotheticals. I like  
7 having conversations with data so that I could prove a  
8 case. It's reckless for me to go do it otherwise.  
9 That's it.

10 BY MR. SILENCE:

11 Q. Do you value Josh Schwartz's opinion?

12 MS. FRANCIS: Object to form.

13 A. Yes.

14 BY MR. SILENCE:

15 Q. Are you aware that Josh Schwartz believes  
16 Jeremy should have been paid for Amerisure?

17 MS. FRANCIS: Object to form and  
18 foundation.

19 A. No. I think I agreed too.

20 BY MR. SILENCE:

21 Q. You what?

22 A. I agreed too; I just didn't know the amount.

23 Q. Why has GPSI not paid Jeremy any compensation  
24 for Amerisure?

25 A. Because Jeremy was terminated before we could.

1 to Kristin as well.

2 BY MR. SILENCE:

3 Q. So you don't handle -- excuse me. You don't  
4 trust Rob to handle things fairly?

5 MS. FRANCIS: Object to form and  
6 foundation.

7 A. That's not at all what I said.

8 BY MR. SILENCE:

9 Q. Did you tell Jeremy in the termination meeting  
10 that he was insubordinate?

11 A. I don't remember.

12 Q. How was Jeremy's sales performance -- strike  
13 that.

14 How did Jeremy's sales performance in 2017  
15 compare to others?

16 MS. FRANCIS: Object to form and  
17 foundation.

18 A. Well, for the first few months it was  
19 fantastic.

20 BY MR. SILENCE:

21 Q. Of 2017?

22 A. 2017. True.

23 Q. Why do you say it was fantastic?

24 A. Because he closed LCRA in February, which was  
25 a large transaction.

1 Q. How was Jeremy's sales performance in  
2 comparison to others in 2016?

3 MS. FRANCIS: Object to form and  
4 foundation.

5 A. I believe it was middle of the pack on the  
6 Government team.

7 BY MR. SILENCE:

8 Q. When was the last time you looked at any sales  
9 data to see exactly how Jeremy compared to others in  
10 2016?

11 MS. FRANCIS: Object to foundation.

12 A. I prepared it for counsel because I was  
13 requested. I don't know how long ago that was. Maybe  
14 a month or two. Maybe longer.

15 BY MR. SILENCE:

16 Q. How did you learn about Kristin's termination?

17 A. From Rob.

18 Q. Did he -- was it an in-person conversation?

19 A. No.

20 Q. Was it an email, a text message?

21 A. It was a text message.

22 Q. Do you recall what the text said?

23 A. No. I was made aware of it because Kristin  
24 texted me, asking if she had been terminated. I was  
25 unaware, and I texted Rob. He said, yes, I terminated



1 MS. FRANCIS: Then tell him you don't  
2 know.

3 A. I don't know.

4 BY MR. SILENCE:

5 Q. Well, if at trial that's the testimony,  
6 doesn't that sure seem coincidental to you?

7 MS. FRANCIS: Object to form and  
8 foundation.

9 A. Like I said, Rob asked lots of questions. It  
10 doesn't seem coincidental to me because it's not  
11 outside of his normal behavior.

12 Q. Had Rob Donat ever talked to you about Jeremy  
13 transferring to Chicago prior to 2017?

14 MS. FRANCIS: Object to form.

15 A. No.

16 BY MR. SILENCE:

17 Q. Could you go to page 22 of the last exhibit?

18 Do you see the paragraph towards the bottom  
19 where, according to the transcription, it says --  
20 starts with, it's a messy issue?

21 A. Uh-huh.

22 Q. And you say, according to the transcript, "It  
23 is a messy issue. But I don't condone anything like  
24 that. I think that you should be able to come here and  
25 do your job and go home and leave it at that.

1 STATE OF ARIZONA )  
2 ) ss.  
3 COUNTY OF MARICOPA )

4 BE IT KNOWN that the foregoing proceedings were  
5 taken before me; that the witness before testifying was  
6 duly sworn by me to testify to the whole truth; that  
7 the foregoing pages are a full, true and accurate  
8 record of the proceedings, all done to the best of my  
9 skill and ability; that the proceedings were taken down  
10 by me in shorthand and thereafter reduced to print  
11 under my direction.

12 I CERTIFY that I am in no way related to any of  
13 the parties hereto nor am I in any way interested in  
14 the outcome hereof.

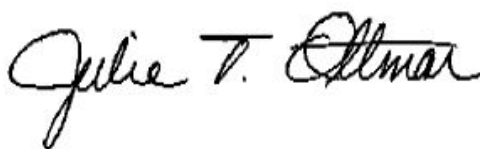
15 { } Review and signature was requested.  
16 { } Review and signature was waived.  
17 (x) Review and signature was not required/requested.

18 I CERTIFY that I have complied with the ethical  
19 obligations set forth in ACJA 7-206(F)(3) and ACJA  
20 7-206 (J)(1)(g)(1) and (2), Dated at Phoenix, Arizona,  
21 this 18th day of September, 2018.

22 

23 \_\_\_\_\_  
24 MARY DAVIS, RPR - Digital Signature  
25 AZ Certified Court Reporter No. 50271

26 I CERTIFY that OTTMAR & ASSOCIATES, INC., has  
27 Complied with the ethical obligations set forth in ACJA  
28 7-206 (J)(1)(g)(1) through (6).

29 

30 \_\_\_\_\_  
31 OTTMAR & ASSOCIATES, INC.  
32 AZ Registered Reporting Firm No. R1008

# EXHIBIT F

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF ARIZONA

Jeremy Thacker,	)	
	)	
Plaintiff,	)	Case No.
vs.	)	18-CIV-0063-PHX-DJH
	)	
GPS Insight, LLC; et al.,	)	
	)	
Defendants.	)	
_____	)	

DEPOSITION OF JASON WALKER

Phoenix, Arizona  
May 15, 2018  
1:54 o'clock p.m.

Walker Court Reporting  
Registered Firm No. R1046  
1900 W. Carla Vista, Suite 6284  
Chandler, Arizona 85246  
(480) 620-4472

PREPARED BY: Laura D. Walker, RPR  
Certified Reporter  
No. 50195

1 Q. And you were Tyler's direct supervisor?

2 A. That is correct.

3 Q. And you report to Rob Donat?

4 A. That is correct. Yes.

5 Q. Who made the decision to terminate

6 Mr. Thacker's employment?

7 A. I did.

8 Q. And what was the reason for the termination of  
9 his employment?

10 A. The reason that I decided that I wanted to  
11 terminate Jeremy was there had been an ongoing issue  
12 with behavioral attitude that was not conducive within  
13 the organization to building a teamwork. It caused a  
14 lot of conflict.

15 It had been going on for some period of time,  
16 years. I don't know when it was first documented. And  
17 involved him doing things like not being in the office  
18 enough, which caused issues for me managing other  
19 employees, because it was different than what we were  
20 allowing other employees to do.

21 That behavior from time to time would improve,  
22 would not. There were other also issues with just,  
23 again, attitude. I think you can probably glean from  
24 some of the recordings that were made what I'm talking  
25 about that led to what I felt there being a very

1   poisonous environment not only for the organization, but  
2   also for Jeremy.

3                   And it was after a very long conversation that  
4   was actually recorded -- I believe that conversation  
5   took place on March 2nd -- that I determined on my way  
6   home that I thought the best thing for the organization  
7   and Jeremy was to terminate employment.

8           Q.    So if I understood the timing there, after the  
9   March 2nd meeting is when you made the decision to  
10   terminate?

11          A.    Yes.

12          Q.    Okay.  When was the first time that you  
13   considered termination of his employment?

14          A.    Probably the first time that I considered it  
15   was in 2013, when I first documented the performance  
16   issue with not coming into the office and being  
17   untruthful.

18          Q.    Okay.  And so in 2013 when you first considered  
19   it, what steps did you take instead of terminating him?

20          A.    I documented it, the specific behavior I was  
21   talking about.  I spoke to Jeremy about it.  We mutually  
22   agreed that this was something that he would work on.

23                   And we moved forward and left it as, you know,  
24   this needs to improve; otherwise, it could lead up to  
25   another write-up and/or termination.

1 thought process and why I had come to the conclusion I  
2 had.

3 I wanted to discuss it some with him and get  
4 his input as well. And then we mutually agreed that  
5 that was the right decision; but, again, it was a  
6 decision that I had made.

7 Q. And so what did you tell him was your thought  
8 process?

9 A. I told him that my thought process was I don't  
10 see any possible way that Jeremy can continue to work  
11 here in a constructive manner, based on the conversation  
12 we had yesterday. This has been going on and on and on  
13 for years. And I'm done. Personally, I can't invest  
14 any more time in this. I think we have given him every  
15 opportunity to be successful.

16 And there are two parts to that: There are  
17 what you do and how you do it. And it's the how you do  
18 it that I can't take anymore. And that was the basis  
19 for my decision.

20 Q. Okay. And in response, did Tyler provide any  
21 input other than, "I agree"?

22 A. Not that I can remember.

23 Q. But he expressed that he agreed?

24 A. Yes.

25 Q. So what were the next steps that you took in

1 terms of the termination process?

2 A. So what happened next was we were in the  
3 office, in his office together.

4 Q. His?

5 A. Tyler Mortensen's office.

6 Q. Okay.

7 A. And Rob Donat entered his office. He did not  
8 ask us what we were speaking about. He merely came in  
9 and said, "I have something I'd like you guys to listen  
10 to. I want to get your input on it."

11 We said okay. And what he had sent to Tyler  
12 was a recording of Mr. Thacker. And I can't remember  
13 the date of the phone call, but it was a recording of  
14 Mr. Thacker treating a Hyatt employee not well on a  
15 phone call. And he was upset by it because it was done  
16 on a company phone.

17 He looked to us as far as what we thought about  
18 it. And we listened to it, and Tyler and I literally  
19 looked at each other, and I said, "Well, I would like to  
20 talk to you about what we were talking about before you  
21 came in here. And this is a perfect example of exactly  
22 why we are making the decision that we think we need to  
23 terminate Tyler and want -- or Jeremy."

24 And that started the discussion that would have  
25 happened anyway, which I would have gone to Rob to let



1 him know what I had decided to do. And it happened kind  
2 of serendipitously only in that he entered the office  
3 with that recording.

4 Q. Okay. I want to clarify something.

5 So you mentioned that he came in to Tyler's  
6 office and said, "I want you guys to listen to this."  
7 But in that you said he sent the recording to Tyler.

8 Had he previously sent that recording to Tyler,  
9 or what did you mean by that?

10 A. What I meant is I think he listened to a  
11 recording and then I think it was on our phone server.  
12 I think he forwarded that recording to Tyler and then  
13 came down to Tyler's office. I happened to be in there  
14 having this discussion.

15 And when he came in he said, "Oh, you're both  
16 here. I'd like you to listen to this."

17 Q. So when he says, "I'd like you to listen to  
18 this," then it gets pulled up on Tyler's computer where  
19 it's been forwarded?

20 A. I believe so, yes.

21 Q. Okay.

22 A. And I don't remember. He may have actually had  
23 Tyler log into the phone system. I don't recall exactly  
24 how we listened to the communication, but it was a  
25 recording off the computer nonetheless.

1 Q. BY MR. KRESIN: Sure. You've said you produced  
2 everything you had, but were there specific parameters  
3 that you were asked to collect date-wise?

4 MS. FRANCIS: Same instruction.

5 THE WITNESS: No.

6 Q. BY MR. KRESIN: Okay. During Mr. Thacker's  
7 employment, was there any policy regarding dating  
8 amongst employees or management?

9 A. No.

10 Q. I'll have you look at Exhibit 16.

11 Exhibit 16 is an employee handbook that's been  
12 produced in this case, which on the front indicates an  
13 effective date of February 2018. It's kind of hard to  
14 see because it's printed in black and white.

15 But I want to ask you about the substance of  
16 some of what's in here and how that related to the  
17 practice of the company at the time of Mr. Thacker's  
18 employment.

19 A. Okay.

20 Q. On page 7, there's an Equal Employment heading.  
21 And underneath the bullet points there's a paragraph  
22 that states, "The company takes allegations of  
23 discrimination, intimidation, harassment, and  
24 retaliation very seriously and will promptly conduct an  
25 investigation when warranted."

1           Was that the company's practice at the time of  
2   Mr. Thacker's employment?

3           A.    So there was nothing -- this was written first  
4   when this came out, to be clear. And I think even in  
5   the recording that was provided from our conversation I  
6   made it clear that it was my policy that this was never  
7   something that I would condone.

8           So as a general practice, I think we took these  
9   things very seriously if they were ever brought up.

10          Q.    Okay. Clarify a few things. You started out  
11   by saying -- I want to make sure I understood what you  
12   said.

13                Did you say that there hadn't been a written  
14   policy prior to this handbook?

15          A.    Correct.

16          Q.    Okay. But you also said that your practice was  
17   to take those types of allegations very seriously; is  
18   that what I understand?

19          A.    I'll clarify.

20          Q.    Yes, please.

21          A.    So what -- the way that HR was handled before  
22   we had a more formal process documented was that Wayne  
23   handled benefits and administrative, payroll, things  
24   such as that. The managers were left to administer  
25   human resources from a disciplinary action/performance

1 management standpoint.

2 And under that, I would have been the one to  
3 handle such a thing as this if it had been brought to my  
4 attention. And that is how I would have handled it. So  
5 I would have been consistent with this policy.

6 Q. Okay. And so was it -- it says "will promptly  
7 conduct an investigation when warranted."

8 Is it your understanding that at the time of  
9 Mr. Thacker's employment, it was up to the manager to  
10 determine if it was warranted?

11 A. If it was brought to a manager's attention, I  
12 would have to assume that that would be the case, yes.

13 Q. And so did Mr. Thacker ever bring up that he  
14 felt like Mr. Donat was harassing Ms. Lisson, to you?  
15 Did he ever bring that up to you?

16 A. No.

17 Q. Did he ever bring up to you that he felt like  
18 he was being retaliated by Mr. Donat?

19 A. For what?

20 Q. Did he ever bring up that he felt like he was  
21 being retaliated in any manner?

22 A. He brought up in the recording that he felt  
23 like he was unfairly judged by Elliot and Rob. And I  
24 disagreed.

25 Q. Did he say what motive he thought led to that

1 unfair judgment?

2 A. His behaviors.

3 Q. Anything more specific than that, to your  
4 recollection?

5 A. Not that I recall, no.

6 Q. Okay. Did Mr. Thacker ever communicate to you  
7 that he thought he was being retaliated against by  
8 anyone at GPSI because he was standing up for Ms. Lisson  
9 with respect to Mr. Donat?

10 A. No.

11 Q. Did Mr. Thacker bring up to you or anyone else  
12 at GPSI, to your knowledge, that he felt like he was  
13 being retaliated against by anyone at GPSI because he  
14 was involved with Ms. Lisson romantically?

15 A. No.

16 Q. And I don't mean just those specific words.  
17 Anything of that nature that you recall him  
18 bringing up?

19 A. Not prior to his termination.

20 Q. Okay.

21 A. After his termination or during the  
22 termination, he mentioned something of which I had no  
23 knowledge. And I believe I stated that.

24 Q. When you say "during his termination," you mean  
25 during the meeting?

1 A. Uh-huh. Yes.

2 Q. What did he say during the termination meeting?

3 A. I can't recall exactly. It's on the recording.

4 Q. If you could look at page 10.

5 A. (Witness complies.)

6 Q. Under the heading Employee References, if you  
7 could review that paragraph and let me know.

8 A. Okay.

9 Q. Is that policy consistent with what the  
10 practice of GPSI was at the time of Mr. Thacker's  
11 termination?

12 A. I believe so, yes.

13 Q. Well, was there -- to your knowledge, was there  
14 a specific Employee Reference Policy prior to this  
15 handbook?

16 A. No.

17 Q. Okay. In terms of how you handled inquiries  
18 prior to this policy or this handbook being issued, was  
19 your practice consistent with this paragraph?

20 A. In general, yes.

21 Q. Do you know whether others in management had  
22 the same practice?

23 A. I do not.

24 Q. At any time since Mr. Thacker's termination,  
25 have you received inquiries from other companies or

1 other people related to Mr. Thacker, as far as a  
2 reference check?

3 MS. FRANCIS: Object to form.

4 THE WITNESS: No.

5 Q. BY MR. KRESIN: Have you heard of anyone at the  
6 company receiving requests for reference checks on  
7 Mr. Thacker since his termination?

8 A. No.

9 MS. FRANCIS: Can we take a break?

10 MR. KRESIN: Sure.

11 (Short recess from 247 to 2:53 p.m.)

12 Q. BY MR. KRESIN: Okay. We're back on the  
13 record.

14 Mr. Walker, could you turn to page 19 of  
15 Exhibit 16?

16 A. (Witness complies.)

17 Q. Under the heading Performance Evaluation it  
18 says, "Employees will generally receive an appraisal of  
19 their job performance annually."

20 Was that a practice that occurred during  
21 Mr. Thacker's employment?

22 A. Officially, no.

23 Q. What does that mean?

24 A. That means that it wasn't a published like in  
25 this document. There wasn't a formal company review

1 process.

2 In the sales department, we did start setting  
3 goals and objectives and whatnot for the sales team  
4 based on quotas, territory, plans, things of that  
5 nature, and gave feedback based on that. But it wasn't  
6 official. It wasn't tied to a bonus or a raise or  
7 anything like that. It was more of: Here's what we  
8 think you're doing well.

9 And we also did that on a weekly basis in  
10 one-to-ones and things of that nature. But it was  
11 really more of an effort to help people improve, whether  
12 it was on skill sets we thought they needed to work on,  
13 things to build their territory better, help them make  
14 more commission.

15 So it was more of a performance-based thing on  
16 our part to help the company grow more and people  
17 succeed.

18 Q. So there aren't annual performance evaluations  
19 for Mr. Thacker?

20 A. No. Not that I'm aware of.

21 Q. And if they existed, you probably would be  
22 aware of them; isn't that right?

23 A. Yes. With the caveat that if Tyler maybe gave  
24 him one orally or written that I didn't see, but I don't  
25 think so.



1 Q. Okay. If you could turn to page 51.

2 A. (Witness complies.)

3 Q. Under the heading Telecommuting, is this policy  
4 consistent with the practice during Mr. Thacker's  
5 employment?

6 A. So we didn't have a formal policy on  
7 telecommuting. In general, this follows fairly closely  
8 with what I would have had as a written policy for my  
9 department.

10 And the way we practiced it, it was something  
11 that was approved on a case-by-case basis and, in  
12 general, again, wouldn't be allowed out of the gate for  
13 an employee because we wanted them to be in the office.  
14 So it generally lines up with what's written here, but  
15 there was nothing official.

16 Q. You said something along the lines of you would  
17 have had that as a policy in your department.

18 Did you have a written policy for your  
19 department related to this, or you're just saying that's  
20 what the practice was?

21 A. I'm saying that was what the practice was. If  
22 I had had a written policy, it would have probably read  
23 very close to this. But what we did practice was very  
24 close to this description. Not exact, but....

25 Q. Okay. How many people in sales telecommute?

1 thing for Jeremy, which was get him a fair amount for  
2 what this would ultimately be worth.

3 And that was the basis of that whole  
4 conversation that I was trying to have with Jeremy.  
5 That sometimes I felt waiting a little bit was going to  
6 actually benefit him because I would be able to have a  
7 better business case to present.

8 Not having that information prohibited me from  
9 doing that, which is why I was not in a rush to do it.

10 Q. In January of 2017, did Mr. Thacker come to you  
11 and express concerns about Rob Donat telling Kristin  
12 Lisson certain things about Mr. Thacker's credit card  
13 use?

14 A. I don't remember.

15 Q. Do you recall Mr. Donat in January 2017  
16 bringing up to you the possibility of transferring  
17 Mr. Thacker -- or Mr. Thacker transferring to Chicago?

18 A. Yes.

19 Q. Okay. How did that come up?

20 A. He came into my office and asked me that exact  
21 question. He actually -- not that exact question. He  
22 asked me, "Have you heard about Jeremy wanting to move  
23 to Chicago?"

24 And I had, because I think it had been a  
25 discussion that had happened a while back. And I said,

1           And then he had sent me an email talking about  
2   Amerisure and what he wanted done. So that's why the  
3   meeting happened.

4           Q.    The meeting was for the purpose of talking  
5   about Amerisure?

6           A.    Among other things, yes.

7           Q.    What were the other things that were sort of  
8   the purpose going into the meeting?

9           MS. FRANCIS: Object to foundation.

10          THE WITNESS: The purpose was to set  
11   expectations about Amerisure, get us all on the same  
12   page, and have a good understanding of how that was  
13   going to go going forward and what we needed from him so  
14   that I could be successful in what he was asking for.

15          Q.    BY MR. KRESIN: In January 2017, do you recall  
16   meeting with Mr. Thacker about his goals for 2017?

17          A.    Yes.

18          Q.    Did he show you a list of two goals?

19          A.    I remember him holding up a piece of paper, and  
20   it had -- I remember one goal. I don't remember two,  
21   but....

22          Q.    Well, was one of the goals his relationship  
23   with Kristin Lisson? Was that on that piece of paper?

24          A.    Yes.

25          Q.    Is that the one you remember?

1 A. Yes.

2 Q. Would LCRA possibly be the other goal? Does  
3 that -- do you recall that?

4 A. I don't remember.

5 Q. Okay. And in response to seeing the reference  
6 to Kristin Lisson, do you recall what you said to him?

7 A. No.

8 Q. Did you say something about not showing Rob  
9 that?

10 A. I don't remember.

11 Q. Is it possible you said that?

12 A. Yes.

13 Q. How is working remotely different from  
14 telecommuting, in your mind?

15 A. Well, first of all, we hire people locally for  
16 the purpose of having them in the office. And the  
17 reason that we have them in the office is because they  
18 can learn more faster and get up to speed, better  
19 communication, et cetera.

20 Telecommuting, by definition, to me, are the  
21 people that are local but they work from home every once  
22 in a while. Remote reps are hired with that  
23 specifically in mind.

24 Some -- we do have an office in Chicago. One  
25 guy works out of that office, but we do have others that

1     STATE OF ARIZONA                     )  
   )     ss.  
2     COUNTY OF MARICOPA                )

3  
4                     BE IT KNOWN that the foregoing testimony  
5 was taken before me, LAURA D. WALKER, RPR, a Certified  
6 Court Reporter, No. 50195; that the witness before  
7 testifying was duly sworn to testify to the whole  
8 truth; that the questions propounded to the witness  
9 and the answers of the witness thereto were taken down  
10 by me in shorthand and thereafter reduced to  
11 typewriting by me or under my direction; that the  
12 foregoing pages are a true and accurate transcript of  
13 all proceedings had upon the taking of said testimony,  
14 all done to the best of my skill and ability.

15  
16                     I FURTHER CERTIFY that I have complied with  
17 the ethical obligations set forth in the Arizona Code  
18 of Judicial Administration 7-206(F)(3) and Arizona  
19 Code of Judicial Administration 7-206 J(1)(g)(1) and  
20 (2).

21  
22                     I FURTHER CERTIFY that I am in no way related  
23 to any of the parties hereto nor am I in any way  
24 interested in the outcome hereof.  
25

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DATED at Chandler, Arizona, this 28th day of  
May, 2018.

Laura D. Walker, RPR  
Certified Reporter No. 50195

\* \* \* \* \*

I CERTIFY that WALKER COURT REPORTING, a  
Registered Reporting Firm in the State of Arizona, has  
complied with the ethical obligations set forth in the  
Arizona Code of Judicial Administration  
7-206(J) (1) (g) (1) and (2).

---

Walker Court Reporting  
Registered Reporting Firm  
No. R1046

# EXHIBIT G

UNITED STATES DISTRICT COURT  
DISTRICT OF ARIZONA

JEREMY THACKER, )  
)  
Plaintiff, )  
)  
VS. ) No. 2:18-cv-00063-PHX-DJH  
)  
GPS INSIGHT, LLC; ROBERT )  
J. DONAT, Individually and )  
as Trustee of the Robert )  
Donat Living Trust Dated )  
April 19, 2017, )  
)  
Defendants. )

ORAL AND VIDEOTAPED 30(b)(6) DEPOSITION OF  
FUJITSU AMERICA, INC.  
DOMINIC LANAWAY  
SEPTEMBER 10, 2018  
VOLUME 1 of 1

-----  
ORAL AND VIDEOTAPED DEPOSITION OF DOMINIC LANAWAY,  
produced as a witness at the instance of the DEFENDANT,  
and duly sworn, was taken in the above-styled and  
numbered cause on September 10, 2018, from 10:13 a.m. to  
4:37 p.m., before Wendy S. Schreiber, CSR No. 9383, in  
and for the State of Texas, reported by machine  
shorthand, at the law offices of STINSON LEONARD STREET,  
LLP, 3102 Oak Lawn Avenue, Suite 777, Dallas, Texas,  
pursuant to the Texas Rules of Civil Procedure and the



1 provisions stated on the record or attached hereto.

2 Job No. 2976215

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1 But, again, of course, I'll go back to the  
2 belief that if you felt that it was an unachievable or  
3 unrealistic environment, then as a high-class  
4 salesperson you would go do something else for another  
5 organization.

6 So it's not -- it's not a fair reflection  
7 to look at Air New Zealand and the context behind how we  
8 engage with them and why and then try to extrapolate  
9 that out into saying it's, therefore, a three-year sales  
10 cycle. How on earth can I sell it in this year. That  
11 would be an untrue reflection of Air New Zealand as a  
12 stand-alone engagement.

13 MR. WILLIS: Counsel, how much --

14 Q. (BY MR. SILENCE) Have you ever provided a  
15 written warning to be terminated?

16 A. I beg your pardon?

17 Q. Do you know whether Jeremy was ever provided a  
18 written warning notifying him that he'd be terminated if  
19 he didn't correct his behavior or attitude?

20 A. No, I don't believe so. A written warning  
21 specifically? No, I don't believe that we did or that  
22 we were required to.

23 Q. When did Jeremy allegedly call you an idiot?

24 A. In one of the QBRs in Dallas. And, as I said,  
25 it -- it didn't really bother me that much so -- I mean,

1 perfect, that's a matter for personal opinion. We did  
2 the very best. If I had my time again knowing today  
3 what -- knowing then what I know today, of course we  
4 would have done some things differently. But was it  
5 what we expected? No. It was what we had to react to  
6 in a small startup and we just tried to be honest and we  
7 tried to be open and we tried to have the best endeavors  
8 and if individuals didn't agree or didn't feel that it  
9 was the right thing to do, then they could always  
10 decide, as some did, to leave and go do something else.

11 Q. So to sum up then, GlobeRanger's top sales reps  
12 made about \$1,000 -- strike that.

13 So to sum up, GlobeRanger's top sales reps  
14 made about \$1,000 per month in commissions in 2017,  
15 correct?

16 MR. PALYS: Object to form.

17 THE WITNESS: That's my rough estimation  
18 based on recollection.

19 Q. (BY MR. SILENCE) And as of June 2018,  
20 GlobeRanger did not employ any salespeople in the United  
21 States, correct?

22 A. We -- we -- sorry, let me just be sure I'm  
23 clear. We didn't employ any salespeople in 2018? No,  
24 we didn't.

25 Q. Well, as of June 2018, that's when GlobeRanger

1 no longer employed any salespeople in the United States,  
2 correct?

3 MR. PALYS: Object to form.

4 THE WITNESS: That's correct. But, again,  
5 my personal feeling there is you are over simplifying  
6 that statement to reflect as positively as you can for  
7 the benefit of this conversation and your client. So if  
8 I need to repeat that, I will, okay? We had a decision  
9 as a company, at Fujitsu Corporate level, as to whether  
10 we would put \$10 million into GlobeRanger to redevelop  
11 or continue to develop the product and because we  
12 decided -- or it's out of our hands in Japan -- they  
13 decided it was more cost effective and would be more  
14 strategically advantageous is that they are looking at  
15 bringing in -- or as we speak moving GlobeRanger  
16 customers to an alternative platform.

17 So with that in mind it would have been  
18 insane to hire new salespeople. So as long as we can  
19 just be clear that there is a matter of context and  
20 events that lead up to June rather than simply saying in  
21 June 2018 we just stopped hiring any salespeople. That  
22 doesn't necessarily reflect the -- the situation in its  
23 truth.

24 Q. Right. But as of -- it's a yes-or-no answer.

25 As of June 2018, GlobeRanger employed no salespeople in

1 the United States, correct?

2 MR. PALYS: Object to form.

3 THE WITNESS: Not directly but that is

4 correct.

5 Q. (BY MR. SILENCE) And Fujitsu retained one of

6 the 12 salespeople that GlobeRanger hired in May 2017,

7 correct?

8 A. Correct.

9 Q. And in total -- strike that. And the total

10 revenue for 2017 the company did less than the quota for

11 one salesperson, correct?

12 MR. PALYS: Object to form.

13 THE WITNESS: Yeah, that's correct.

14 MR. SILENCE: Okay. I have no further  
15 questions.

16 MR. PALYS: Before we're off, Ray, do you  
17 have any questions? I think Ray is not on the line  
18 anymore. I have one follow-up.

19 FURTHER EXAMINATION

20 Q. (BY MR. PALYS) If you have Exhibit 128 in  
21 front of you still, it's the November 1st, 2017, comp  
22 plan.

23 A. Yes, I do.

24 Q. Does Exhibit 128 tell you what commission  
25 Mr. Thacker would have earned on a closed sale?

VERITEXT LEGAL SOLUTIONS  
COMPANY CERTIFICATE AND DISCLOSURE STATEMENT

Veritext Legal Solutions represents that the foregoing transcript is a true, correct and complete transcript of the colloquies, questions and answers as submitted by the court reporter. Veritext Legal Solutions further represents that the attached exhibits, if any, are true, correct and complete documents as submitted by the court reporter and/or attorneys in relation to this deposition and that the documents were processed in accordance with our litigation support and production standards.

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# EXHIBIT H





1 Q. Has Mr. Donat ever expressed his sentiment to  
2 you about Mr. Thacker in this lawsuit?

3 A. He believes that Mr. Thacker, you know, is --  
4 once again, this is an unfounded claim. That's the  
5 extent of it. I -- and that is my -- my approach to  
6 the whole thing. I honestly -- we have a business to  
7 run. I have not -- you know, I've been -- you know,  
8 you're having me be deposed, but beyond that my  
9 involvement in this is nil.

10 Q. Has Mr. Donat ever expressed to you that he  
11 hates Mr. Thacker?

12 A. No.

13 Q. Has Mr. Donat ever told you that he wants to  
14 outspend Mr. Thacker in this lawsuit in the hopes that  
15 he'll drop his claims?

16 A. No.

17 Q. Has Mr. Donat ever said anything disparaging  
18 about Mr. Thacker to you?

19 A. Yes.

20 Q. I'll break it up into pieces. What  
21 disparaging things has Mr. Donat said about Mr. Thacker  
22 after this lawsuit was filed?

23 A. I think they align with his sentiments that he  
24 communicates to Kristin; they're along the same lines.  
25 That's -- you know, he -- he -- we have the background

1 information, and it mirrors that information. That's  
2 his basis is my understanding, is what -- it seems to  
3 align.

4 Q. What seems to align?

5 A. That the findings from the -- what we have  
6 from organizationally, the antidote information we have  
7 from complaints internally, as well as the information  
8 that was uncovered as a result of, you know, him  
9 looking into Mr. Thacker's background.

10 Q. Right. But what were the specific words or  
11 comments that Mr. Donat made about Mr. Thacker after  
12 the lawsuit was filed?

13 MS. FRANCIS: Object to form.

14 THE WITNESS: I think we have --  
15 Mr. Donat has alluded to the fact it took place of --  
16 of company property or the purchase was made with  
17 company funds. About Mr. Thacker's financial  
18 background. He has made allusions to Mr. Thacker's  
19 previous relationships. And I think that pretty well  
20 covers it.

21 BY MR. SILENCE:

22 Q. To the best of your knowledge, who has  
23 Mr. Donat talked to after this lawsuit was filed about  
24 those three issues?

25 MS. FRANCIS: Object to foundation and

1 the litigation or the lawsuit. That was a component of  
2 the termination; one component that we -- you know, we  
3 cross that bridge a few times. So I know that was  
4 discussed. I know -- and then, you know, the  
5 conversations I've been privy to, you know, would be  
6 back to my prior answer, you know, where basically  
7 following in line with what was discovered in the  
8 background and what Mr. Donat had uncovered with the  
9 recordings and Mr. Thacker's tone, that he takes with  
10 individuals when it doesn't serve his own purposes.

11 BY MR. SILENCE:

12 Q. I thought I heard you say that he talked to  
13 you about three issues: Theft of the company cards,  
14 your words were his financial background, and his  
15 previous relationships. Help me understand what is --  
16 what did he tell you about Jeremy's financial  
17 background?

18 A. He -- he just alluded to what was in the  
19 credit record. And I -- again, without -- I don't  
20 recall specifics just that there was, you know,  
21 financial history that was not -- you know, it was not  
22 good. I guess that's -- but, again, without going into  
23 great specifics. And I can state unequivocally,  
24 I've -- outside of my role in this, it's not something  
25 that I go out of my way -- I actually go out of my way

1 to avoid discussing this lawsuit, as it's simply a  
2 distraction for me, quite frankly.

3 Q. Why did Mr. Donat tell you that he didn't  
4 believe --

5 MR. SILENCE: Do you mind reading back  
6 what he said about the -- his previous answer.

7 (Requested portion of record read.)

8 BY MR. SILENCE:

9 Q. So what did Mr. Donat tell you what the reason  
10 that he thought Jeremy's financial history was not  
11 good?

12 A. I believe it was based on reviewing the credit  
13 report. I believe there was a credit report obtained  
14 by Mr. Donat's attorneys.

15 Q. Do you know how Mr. Donat obtained -- did he  
16 request a copy of the credit record from his attorneys,  
17 do you know?

18 A. I don't --

19 MS. FRANCIS: Object to foundation.

20 THE WITNESS: I do not know.

21 BY MR. SILENCE:

22 Q. Has Mr. Donat ever talked to you about the  
23 information in any other employees' credit report?

24 A. No.

25 Q. And the third thing you said he talked to you

1 believe I put a charge one time and -- and repaid it,  
2 and -- and might have brought it to Rob's attention,  
3 but not reprimanded.

4 BY MR. SILENCE:

5 Q. Have you ever gone to a strip club with GPSI  
6 employees and used the GPSI company card to pay for it?

7 MS. FRANCIS: Objection asked and  
8 answered.

9 MR. SILENCE: I don't --

10 MS. FRANCIS: He answered that exact  
11 question already.

12 MR. SILENCE: I don't think it was GPSI  
13 employees. I think I said friends and customers.

14 MS. FRANCIS: No. But go ahead. He can  
15 answer it again.

16 THE WITNESS: Yes.

17 BY MR. SILENCE:

18 Q. Which GPSI employees?

19 A. I don't recall. It would have been -- I don't  
20 recall. Rob was with -- at one time. And members of  
21 the sales team would be ...

22 So ...

23 Q. Was it more than once that you went to the  
24 strip club with the GPSI employee and used the company  
25 card to pay for it?

1 the recent complaint.

2 Q. Do you know what, if anything, GPSI did to  
3 address those complaints?

4 A. We reached out to that employee's CEO, and  
5 named the employee.

6 Q. And told them what?

7 A. What happened and gave them the -- the content  
8 and from there, we've done our reporting. It's not our  
9 employee. It's -- I -- we notified our employees what  
10 we had done to let them know that we take that  
11 seriously, that we had followed up with his -- his --  
12 well, CEO had been made aware of his actions and that  
13 was where we left it.

14 Q. Has GPSI ever provided formal sexual  
15 harassment or discrimination training to its management  
16 team?

17 A. We have not done any sort of formal training  
18 onsite. We have -- throughout time, we have used PEOs,  
19 which are professional employment organizations, all of  
20 which have significant content in their respective  
21 portals whether that be -- today it's called Insperity,  
22 our company called Co-Advantage, a company called SOI  
23 which is now trying -- so we have -- we have posters.  
24 We have all the labor law posters posted, but no  
25 formal -- we have not brought in a -- an expert from

1 the field to provide that training. Although many of  
2 us have had that training in previous positions.

3 Q. Has any informal sexual harassment training  
4 been provided to GPSI management?

5 MS. FRANCIS: Object to form. Asked and  
6 answered.

7 THE WITNESS: The same holds true. The  
8 same -- that -- I would define that almost as somewhat  
9 informal in that it's documented. It's there. It's  
10 available for us as a resource. We have the posters.  
11 We have the content online and have a handbook, of  
12 course.

13 BY MR. SILENCE:

14 Q. What specific documents were you provided that  
15 discuss --

16 A. I --

17 Q. -- claims of harassment or discrimination?

18 A. I don't know. It would have been a component  
19 of their respective handbooks because we were leased  
20 employees for those firms.

21 Q. Does GPSI have an employee handbook in place  
22 now?

23 A. We do.

24 Q. Do you know when that went into affect?

25 A. Sometime over the last 12 months as a part of

1 our compliance process with the federal government  
2 guideline.

3 Q. When Jeremy was employed at GPSI, did -- to  
4 the best of your knowledge, did GPSI have any employee  
5 handbook?

6 MS. FRANCIS: Object to foundation.

7 THE WITNESS: Not that it was required  
8 for review for employment by GPSI employees.

9 BY MR. SILENCE:

10 Q. Where was the handbook kept during that time?

11 A. The content would have been online.

12 Q. On what --

13 A. I -- I -- I do not know. Whether that's in  
14 our knowledge base, which is primarily where most of  
15 that documentation lives, or in, you know, a box file  
16 or simply in the hands of our controller and who serves  
17 at the time as the HR arm of the organization.

18 Q. Do you know who drafted that handbook?

19 A. It would have been a collaboration between all  
20 our HR resource that we have, and all our -- I  
21 mentioned Human Capital Management and our benefits  
22 broker offers an HR liaison, if you will. We -- we  
23 have, you know, Wayne Holder [phonetic], the controller  
24 who works with them in drafting the handbook. Gary  
25 Fitzgerald who worked very close with them in drafting



1 the handbook because the handbook includes a lot of IT.  
2 As a software company, you would expect a lot of IT  
3 security components. So there were a number of  
4 individuals involved.

5 Q. Do you believe that the handbook that was --  
6 existed at that time contained harassment or  
7 discrimination policy?

8 A. I don't know. I don't.

9 Q. As a core value, how important is loyalty to  
10 Mr. Donat?

11 MS. FRANCIS: Object to foundation.

12 THE WITNESS: That's a subjective  
13 measure. I -- I think loyalty is important to all of  
14 us.

15 BY MR. SILENCE:

16 Q. Do you know whether Mr. Donat values loyalty  
17 more than others?

18 MS. FRANCIS: Object to form and  
19 foundation.

20 THE WITNESS: I don't. I could not say.

21

22 BY MR. SILENCE:

23 Q. Are you aware of anyone at GPSI selling drugs  
24 at any time on GPSI company property?

25 A. No.

1 our disclosures, knowing you what you know about  
2 Mr. Donat, are you really going to look the jury in the  
3 eye and say that you have no clue whether Mr. Donat's  
4 decision to terminate Kristin was motivated by her  
5 refusing to get back with him?

6 MS. FRANCIS: Objection. Asked and  
7 answered now three times. He's not going to answer it  
8 again.

9 BY MR. SILENCE:

10 Q. If you don't want to -- do you want to change  
11 your answer?

12 A. No.

13 Q. Other than telling Mr. Donat to stop  
14 communicating with Kristin, did you make any efforts to  
15 ensure that he followed your instructions?

16 A. I did what I could do. I took every  
17 precaution I could. I don't have access to Mr. Donat's  
18 phone. I can't block Mr. Donat's number for Kristin.  
19 I can't block Ms. Lisson's number from Rob. I did what  
20 I can do. I cannot physically restrain somebody.

21 So if something took place, I -- I did  
22 what I could do and what I committed to doing, what I  
23 told Kristin I would do. I followed through with all  
24 of that. And that that's what I can do, and that's --  
25 I think that's reasonable for anybody.

1 Q. But my question was: Did you -- I understand  
2 you're in a difficult spot and you can't tackle him,  
3 but is there anything else you did other than tell  
4 Mr. Donat stop communicating with her?

5 MS. FRANCIS: Object to form and  
6 foundation.

7 THE WITNESS: I used big bold letters.

8 BY MR. SILENCE:

9 Q. In an e-mail or text?

10 A. I don't -- whatever I sent. It was all -- it  
11 was in all caps, I know that.

12 Q. Does Mr. Donat typically listen to you when  
13 you give him instructions like that?

14 A. He takes it under consideration.

15 Q. Have you ever referred -- well ...

16 How did you first learn of Kristin's  
17 termination?

18 A. I don't recall. I -- I don't recall. I would  
19 guess it was Jason.

20 Q. Do you know how Jason communicated that to  
21 you?

22 MS. FRANCIS: Object to foundation.

23 THE WITNESS: I don't recall.

24 BY MR. SILENCE:

25 Q. What was your reaction when you learned that

1 STATE OF ARIZONA )  
2 ) ss.  
3 COUNTY OF MARICOPA )

4 BE IT KNOWN that the foregoing proceedings were  
5 taken before me; that the witness before testifying was  
6 duly sworn by me to testify to the whole truth; that  
7 the foregoing pages are a full, true and accurate  
8 record of the proceedings, all done to the best of my  
9 skill and ability; that the proceedings were taken down  
10 by me in shorthand and thereafter reduced to print  
11 under my direction.

12 I CERTIFY that I am in no way related to any of  
13 the parties hereto nor am I in any way interested in  
14 the outcome hereof.

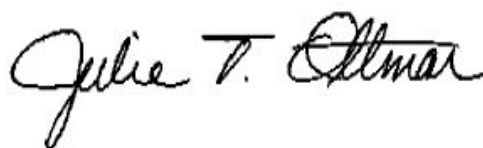
15 [ ] Review and signature was requested.  
16 [X] Review and signature was waived.  
17 [ ] Review and signature not required.

18 I CERTIFY that I have complied with the ethical  
19 obligations set forth in ACJA 7-206(F)(3) and ACJA  
20 7-206( J)(1)(g)(1) and (2). Dated at Phoenix, Arizona,  
21 this 7th day of September, 2018.

22 

23 \_\_\_\_\_  
24 Lauren Kuhnhehn, RPR  
25 Arizona Certified Reporter No. 50916

19 I CERTIFY that OTTMAR & ASSOCIATES, INC., has  
20 complied with the ethical obligations set forth in ACJA  
21 7-206 (J)(1)(g)(1) through (6).

22 

23 \_\_\_\_\_  
24 OTTMAR & ASSOCIATES, INC.  
25 AZ Registered Reporting Firm No. R1008

# EXHIBIT I

UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF ARIZONA

JEREMY THACKER,	)	
	)	
Plaintiff,	)	
	)	Civil Action No.
vs.	)	2:18-cv-000630-DJH
	)	
GPS INSIGHT, LLC; ROBERT DONAT,	)	
individually,	)	
	)	
Defendants.	)	
_____	)	

DEPOSITION OF TYLER MORTENSEN

Phoenix, Arizona  
August 24, 2018  
10:00 a.m.

PREPARED FOR:

ATTORNEY AT LAW

(COPY)

Reported by:  
Robin Jasper, RPR  
CCR No. 50286  
AZ Registered Reporting Firm No. R1008

1 him to be involved with somebody when there was an affair  
2 going on, and that she was currently married.

3 I said if they wanted to have a relationship  
4 or if they were going to do that, keep it outside of  
5 public, let her go through a divorce, and if you guys want  
6 to have a relationship after that's happened, that's what  
7 I would suggest that you do.

8 Q. Do you recall Jeremy discussing having a  
9 relationship with Kristin in his annual review with you  
10 and Jason Walker on January 11, 2017?

11 A. No, not that I recall.

12 Q. Do you recall Jeremy showing you his goals for  
13 the year, one of them was LCRA and another was Kristin,  
14 and Kristin was crossed out?

15 MS. FRANCIS: Object to form.

16 THE WITNESS: I do remember him holding the  
17 paper, vaguely, I do remember that. I think it did have  
18 those two things on it.

19 BY MR. SILENCE:

20 Q. To the best of your recollection, it had LCRA and  
21 Kristin and the word "Kristin" was crossed out?

22 MS. FRANCIS: Object to form, asked and  
23 answered.

24 THE WITNESS: I do recall.

25 BY MR. SILENCE:

1 A. Nothing that was not approved outside of  
2 business, no.

3 Q. Are you aware of the amount of the expense report  
4 that Mike Mac submitted for 2016?

5 A. I remember rough numbers.

6 Q. What do you remember the numbers to be?

7 A. Well, I may not remember it correctly. That was  
8 either his budget -- I know it was a lot, more than  
9 \$50,000.

10 Q. Do you recall whether it was more than \$100,000?

11 A. I don't recall specifically. He didn't report to  
12 me that year. I think it might have been over \$100-. I  
13 do recall \$110- or \$120-, maybe. But I don't know for  
14 sure that that's right.

15 Q. Are you aware of a background check being pulled  
16 on Jeremy Thacker?

17 MS. FRANCIS: I'm going to instruct you not  
18 to disclose anything that you have learned through  
19 privileged communications or through management talking  
20 about the defense of this action.

21 THE WITNESS: Okay. I can't respond to  
22 that, then.

23 BY MR. SILENCE:

24 Q. Have you seen a copy of the background report?

25 MS. FRANCIS: Object to form.



1 STATE OF ARIZONA )  
2 ) ss.  
3 COUNTY OF MARICOPA )

4 BE IT KNOWN that the foregoing transcript was taken  
5 before me; that the witness before testifying was duly  
6 sworn by me to testify to the whole truth; that the  
7 foregoing pages are a full, true and accurate record of  
8 the proceedings, all done to the best of my skill and  
9 ability; that the proceedings were taken down by me in  
10 shorthand and thereafter reduced to print under my  
11 direction.

12 I CERTIFY that I am in no way related to any of the  
13 parties hereto nor am I in any way interested in the  
14 outcome hereof.

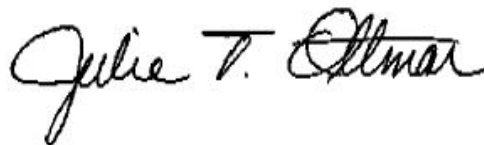
15 [X] Review and signature was requested.  
16 [ ] Review and signature was waived.  
17 [ ] Review and signature not requested/required.

18 I CERTIFY that I have complied with the ethical  
19 obligations set forth in ACJA 7-206(F)(3) and ACJA 7-206  
20 (J)(1)(g)(1) and (2). Dated at Phoenix, Arizona, this 7th  
21 day of September, 2018.

22 

23 \_\_\_\_\_  
24 Robin Jasper, RPR  
25 Arizona Certified Reporter No. 50286

19 I CERTIFY that OTTMAR & ASSOCIATES, INC., has  
20 complied with the ethical obligations set forth in ACJA  
21 7-206(J)(1)(g)(1) through (6).

22 

23 \_\_\_\_\_  
24 OTTMAR & ASSOCIATES, INC.  
25 AZ Registered Reporting Firm No. R1008

# EXHIBIT J

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF ARIZONA

Jeremy Thacker,

Plaintiff,

v.

GPS Insight, LLC; Robert  
J. Donat, individually  
and as Trustee of The  
Robert Donat Living Trust  
Dated April 19, 2017,

Defendants.

No. 2:18-cv-00063-PHX-DJH

VIDEOTAPED DEPOSITION OF JEREMY NOEL THACKER

Phoenix, Arizona  
August 21, 2018  
9:05 a.m.

**CERTIFIED COPY**

Reported by:  
CARRIE A. CARIATI  
Registered Professional Reporter  
Certified Realtime Reporter  
Certified LiveNote Reporter  
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Certified Reporters  
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Suite 700  
Phoenix, AZ 85016  
(480)429-7573

1 information off any work computers at GPSI?

2 MR. SILENCE: Objection. Form.

3 THE WITNESS: Repeat the question.

4 MS. FRANCIS: Carrie, can you read it back  
5 to him?

6 (The following requested portion of the  
7 record was read back by the reporter.)

8 "QUESTION: Prior to your termination, did  
9 you delete information off any work computers at GPSI?"

10 THE WITNESS: Yes.

11 BY MS. FRANCIS:

12 Q. Why?

13 A. Because I deleted things in the regular workday  
14 that were no longer needed, meeting invites that were  
15 expired or didn't happen, things along those lines. I  
16 mean, it is just the normal course of business. There is  
17 no requirement for keeping everything.

18 Q. Did you wipe your computer clean?

19 MR. SILENCE: Objection. Form.

20 THE WITNESS: Yes.

21 BY MS. FRANCIS:

22 Q. Why?

23 A. To prevent my personal information from being  
24 obtained by a jealous owner and used against me in -- more  
25 importantly against others as a weapon like he had

1 previously.

2 Q. What type of personal information did you have  
3 on your computer that you were concerned about Mr. Donat  
4 seeing?

5 A. Other employees talking about him or situations  
6 that -- my personal relationship, just personal  
7 conversations for the most part, and I didn't want him  
8 having access to that.

9 Q. And that information was maintained on your  
10 laptop hard drive?

11 A. No.

12 Q. Where was that information maintained?

13 A. Well, depends on which information you are  
14 talking about.

15 Q. I am talking about the information you just  
16 testified to.

17 MR. SILENCE: Objection. Form.

18 THE WITNESS: The information -- the  
19 information that was wiped from the PC, some of it was  
20 maintained in the cloud. Some of it was -- I mean, the  
21 operating system was on the hard drive.

22 BY MS. FRANCIS:

23 Q. And you wiped the hard drive clean?

24 A. I wiped the hard drive clean, correct.

25 Q. And there is no -- to your knowledge, is there

1 any copy of that information maintained anywhere?

2 MR. SILENCE: Objection. Form.

3 THE WITNESS: There is.

4 BY MS. FRANCIS:

5 Q. Of the personal information that was on your  
6 hard drive?

7 A. Yes.

8 Q. Where is that maintained, to your knowledge?

9 A. In the cloud. It was all Google --

10 MR. SILENCE: Objection. Form to that  
11 previous question.

12 BY MS. FRANCIS:

13 Q. Whose Google account is it maintained on?

14 A. It was mine.

15 Q. Have you provided that information in this  
16 litigation?

17 A. I have, and before.

18 Q. You provided a complete copy of everything that  
19 was on your hard drive before you wiped it clean?

20 A. I provided a copy of all work-related  
21 information.

22 Q. Did you provide a copy of the information that  
23 you testified about that was personal in nature but  
24 related to coworkers and your relationship?

25 A. I have, yes.

1 Q. When did you provide that?

2 A. At discovery whenever I had -- whenever we  
3 turned over production.

4 Q. You testified previously that you provided all  
5 work-related information. I want to be --

6 A. I provided that earlier --

7 Q. Let me finish my question.

8 A. Okay.

9 Q. I want to be specific as to the personal  
10 information you said that you didn't want Mr. Donat to  
11 have access to.

12 A. Um-hum, okay.

13 Q. When did you disclose that information?

14 A. Exchange of ESI in -- March 27th, was it?

15 Q. Did you delete any Slack messages off of any  
16 work computers?

17 A. Yes.

18 Q. When did you do that?

19 A. Prior February.

20 Q. I am looking for a specific date.

21 A. I don't have a specific date. It would have  
22 been February.

23 Q. What could you look at that would remind you as  
24 to when you deleted that information?

25 A. I could look at security logs if you provide

1 them.

2 Q. Security logs for what?

3 A. Slack.

4 Q. How did you delete Slack messages?

5 A. I don't remember how I deleted them.

6 Q. Did you log into a specific account that you are  
7 associated with in Slack?

8 A. Yeah, I have just my account. I don't have  
9 anything else.

10 Q. That was a work-based account?

11 A. Yes.

12 Q. Why did you delete Slack messages?

13 A. Same reason I gave for the other, which is the  
14 -- I -- just sometimes we would talk about personal  
15 information on Slack, and I didn't think that was  
16 anybody's business.

17 Q. Did you delete only personal information, or did  
18 you delete your entire Slack account?

19 A. I did not delete my entire Slack account.

20 Q. Did you delete all the messages in your Slack  
21 account?

22 A. No.

23 Q. What did you do in Slack when you deleted  
24 messages? Describe it for me.

25 A. I deleted certain threads, I believe.



1 Q. Which threads?

2 A. I don't know.

3 Q. To your knowledge, are copies of those messages  
4 maintained anywhere?

5 A. I don't know. I don't have that information.

6 Q. Did you keep copies of any of the messages  
7 before you deleted them?

8 A. I did not.

9 Q. Did you delete anything else off of your work  
10 computer or network?

11 A. Anything else in addition to -- I don't know  
12 what you are -- in addition to what?

13 Q. In addition to what we already talked about. We  
14 talked about you wiping --

15 A. Wiping the computer clean, so, no, I think that  
16 would pretty much cover it.

17 Q. Well, then you went in and deleted Slack  
18 messages, true?

19 A. No, I had already gone in and deleted Slack  
20 messages. Not true.

21 Q. Okay. Sometime in February you deleted Slack  
22 messages?

23 A. Correct.

24 Q. Did you delete anything else off of the GPSI  
25 network prior to your termination --

DEPOSITION OF JEREMY NOEL THACKER, 08/21/2018

1 A. "Okay."

2 Q. When did this happen?

3 A. Between '14, '15. I don't -- I don't recall the  
4 exact day.

5 Q. Did you enter into an agreement to repay those  
6 amounts?

7 A. I entered into an agreement after that when the  
8 auditors came in and needed documentation.

9 Q. What did you agree to repay?

10 A. The amount I had used in personal expenses.

11 Q. How much was it?

12 A. I don't recall. Something around \$6,000. I  
13 don't -- I don't know the exact amount.

14 Q. Did Rob tell you that you couldn't charge  
15 personal expenses on the account?

16 A. I don't recall.

17 Q. You recall that he was upset with you, though?

18 A. I recall that he was upset, yes.

19 Q. You don't recall whether or not you should stop  
20 charging personal expenses?

21 A. No, I don't recall.

22 Q. After your conversation with Rob, did you  
23 believe that it -- you were authorized to continue to  
24 charge personal expenses on the company credit card?

25 A. To Rob or to my direct supervisors? It is a

1           A.    I told Tyler there is certain things I didn't --  
2 I didn't like the way that certainly people interacted  
3 with customers of mine.

4           Q.    Who -- who were you speaking of?

5           A.    Brent Eynon or Mike Mac (sic) would be the two  
6 that I can think of.

7           Q.    Do you know if either of those people ever  
8 complained about you?

9           A.    Not that I have ever been told.

10          Q.    When did your relationship with Kristin Lisson  
11 start?

12          A.    We started work in 2013.

13          Q.    What was her position in relation to yours?

14          A.    She was -- at the time, I don't know. I don't  
15 know what her position was when she started.

16          Q.    How often did you interact with her when she  
17 started?

18          A.    Not much.

19          Q.    Did that change?

20          A.    Yes.

21          Q.    When?

22          A.    Mostly when I moved to -- probably starting in  
23 2015, somewhere in the middle of 2015, but definitely in  
24 2016 when I was given a promotion.

25          Q.    When were you given a promotion?

1 I also went from working for Tyler  
2 Mortensen to working directly for Jason Walker, the VP of  
3 sales.

4 Q. Didn't Tyler assume your supervision in January  
5 of 2016?

6 A. Nope. He did in January 2017 when he got  
7 promoted.

8 Q. So in January of 2016, you reported to Jason  
9 Walker, correct?

10 A. Correct.

11 Q. And then in January of 2017, you began reporting  
12 to Tyler Mortensen?

13 A. Again, yes.

14 Q. What was Tyler's change in title in January of  
15 2017, if you know?

16 A. I believe he went to the national director of  
17 sales or something along those -- I -- I don't really  
18 know.

19 Q. Do you know what his title was prior to that?

20 A. Maybe director of sales.

21 Q. Are you guessing or do you know?

22 A. I am guessing -- yeah, I am guessing.

23 Q. When did your romantic relationship with  
24 Ms. Lisson begin?

25 A. The very end of -- after Christmas or something

DEPOSITION OF JEREMY NOEL THACKER, 08/21/2018

1 A. I don't believe so.

2 Q. When did you move in together?

3 A. Officially or unofficially?

4 Q. Both.

5 A. She moved into the condo complex where I lived  
6 in January.

7 Q. January of what year?

8 A. 2017.

9 She had her own place but it was probably  
10 500 yards from mine, so for all intents and purposes, I  
11 stayed with her most of the time, but I maintained my own  
12 residence and my stuff was there.

13 Q. And you had a roommate at the time?

14 A. I did.

15 Q. To your knowledge, when did Mr. Donat first know  
16 of your romantic relationship with Ms. Lisson?

17 A. First knew about it -- first time that he knew  
18 for certain about it was January 10th, but I believe he  
19 probably knew something about it prior to that.

20 Q. January 10th is the date that Ms. Lisson told  
21 him about your relationship?

22 A. That was the date, but December 25th he told her  
23 not to marry Robert or I, so it seems like there would be  
24 some indication that he knew something was going on.

25 Q. Well, he had observed her interacting with you

1 Q. Tell me specifically what you told your managers  
2 about the sexual harassment of Ms. Lisson by Mr. Donat.

3 A. So it was an annual review meeting. Jokingly,  
4 because I had a good relationship with Tyler and Jason, I  
5 took in my annual goals. And on a piece of paper, I  
6 had -- No. 1 was Kristin Lisson. No. 2 was Lower Colorado  
7 River Authority.

8 And No. 1, I had put a line through as my  
9 goals for 2017. And I handed it to Jason and Tyler and we  
10 all laughed. And Jason said to me, "Do not let Rob see  
11 this," which I thought was little strange at the time.  
12 And we had the meeting.

13 At the end of the meeting, I told Jason and  
14 Tyler that the day before Kristin had met with Rob and  
15 told him about our relationship for the first time, and  
16 Rob's response to that, that I owed the company money.

17 When I said it, Jason immediately responded  
18 and said: Completely makes sense why he came by my office  
19 earlier and asked about moving -- about you --  
20 transferring you to Chicago.

21 And then Tyler and Jason looked at each  
22 other, like, oh, shit, and they -- then we had a  
23 conversation about, hey -- Tyler said: Rob knows he  
24 cannot fire you for dating Kristin because it is illegal,  
25 but he is going to have his eye out on you. So you have

DEPOSITION OF JEREMY NOEL THACKER, 08/21/2018

1 Q. March 2nd and what date?

2 A. March 6th.

3 Q. And you produced both of those recordings?

4 A. I did.

5 Q. Did you alter the recordings in any way?

6 A. In no way.

7 Q. Did they -- strike that.

8 Did the recording capture the entire  
9 conversations you had with GPSI management on those dates?

10 A. Not in the March 2nd meeting.

11 Q. What happened?

12 A. It stopped after an hour.

13 Q. Why?

14 A. It was the limitation of the recording software  
15 I was using.

16 Q. How much longer did the conversation last after  
17 the recording stopped?

18 A. I don't know the answer to that. It stopped  
19 after an hour, and then when I realized that it had  
20 stopped, I turned it back on and recorded the rest of the  
21 conversation.

22 Q. How much time had lapsed that wasn't recorded?

23 A. Couldn't tell you. Maybe -- I think it was  
24 probably close to 30 or 45 minutes.

25 Q. How did you turn it back on in the presence of

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## CERTIFICATE

I HEREBY CERTIFY that the foregoing deposition was taken by me pursuant to notice; that I was then and there a Certified Court Reporter for the State of Arizona, and by virtue thereof authorized to administer an oath; that the witness before testifying was duly sworn by me to testify to the whole truth and nothing but the truth; pursuant to request, notification was provided that the deposition is available for review and signature; that the questions propounded by counsel and the answers of the witness thereto were taken down by me in shorthand and thereafter transcribed through computer-aided transcription under my direction, and that the foregoing typewritten pages contain a full, true, and accurate transcript of all proceedings had upon the taking of said deposition, all done to the best of my skill and ability.

I FURTHER CERTIFY that I am in no way related to nor employed by any of the parties hereto, nor am I in any way interested in the outcome hereof.

I FURTHER CERTIFY that I have complied with the ethical obligations set forth in ACJA Sections (J)(1)(g)(1) and (2).

DATED at Phoenix, Arizona, this 1st day of September, 2018.

---

CARRIE A. CARIATI  
Registered Professional Reporter  
Certified Realtime Reporter  
Certified LiveNote Reporter  
Certificate No. 50355

I CERTIFY that this Registered Reporting Firm has complied with the ethical obligations set forth in ACJA Sections (J)(1)(g)(1) and (2).

DATED at Phoenix, Arizona, this 1st day of September, 2018.

---

Registered Reporting Firm R1064  
CARRIE A. CARIATI, Owner



# EXHIBIT K

1 IN THE UNITED STATES DISTRICT COURT

2 FOR THE DISTRICT OF ARIZONA

3  
4 Jeremy Thacker, ) No. 2:18-cv-00063-PHX-DJH  
5 )  
6 Plaintiff, )  
7 )  
8 v. )  
9 )  
10 GPS Insight, LLC; Robert J. )  
11 Donat, Individually and as )  
12 Trustee of The Robert Donat )  
13 Living Trust Dated April 19, )  
14 2017; )  
15 )  
16 Defendants. )  
17 )  
18 )  
19 )  
20 )  
21 )  
22 )  
23 )  
24 )  
25 )

DEPOSITION OF KRISTIN LISSON

Phoenix, Arizona  
August 14, 2018  
9:06 a.m.

20 Reported by: CARRIE REPORTING, LLC  
21 DOREEN SUTTON, RPR, CSR, FAPR Certified Reporters  
22 Arizona CR No. 50076 2415 East Camelback Road  
23 Suite 700  
24 Prepared for: Phoenix, AZ 85016  
25 (480) 429-7573  
carrie@carriereporting.com  
(COPY)

1 that a lawsuit could come about. What kind of lawsuit?

2 You said a lawsuit relating to me.

3 A. Right. So one of the messages that I recall  
4 deleting after I had told Rob about me dating Jeremy, and  
5 Jeremy knew that I had met with Rob and what he'd said  
6 about Jeremy, and that Rob -- I was on my phone constantly  
7 and didn't want to lie to Jeremy. It was difficult for me  
8 to keep those conversations private from Jeremy without  
9 lying. So Jeremy knew I was discussing with Rob, he asked  
10 me -- I got a really late text from him, he asked me who  
11 was that and it was Rob, and it was his response to a  
12 letter I had sent him where I asked him to let me go. And  
13 his response was something with regard to -- and that's --  
14 he said he didn't deserve to be lionized for caring about  
15 me and that he understood now why Elliot had always called  
16 me a bitch.

17 Jeremy asked me who is that and what was it, I  
18 read that message to Jeremy and Jeremy asked why he would  
19 say that, and I told him it was because I was telling Rob  
20 to kind of stay out of my personal life, because Jeremy  
21 knew I was having conversations with Rob. And at that  
22 point I deleted it without thinking about litigation, only  
23 much later when things kept escalating was when Jeremy had  
24 asked me if I had saved all those types of messages,  
25 and -- in case of litigation, and I wished I had, but in

1           A.     He attempted to -- he made his request known to  
2 have a physical relationship with me.

3           Q.     After December 26th?

4           A.     Uh-huh.

5           MR. CARDEN:   Yes?

6           Q.     BY MS. FRANCIS:   That's yes?

7           A.     Yes.

8           Q.     What did he do?

9           A.     When I met with Rob, I believe on January 10th to  
10 tell him that I was now dating Jeremy or just started  
11 dating Jeremy, Rob was upset that Jeremy was somebody I  
12 would consider and cautioned me about Jeremy's possible  
13 STDs and about the fact that Rob said that Jeremy owed the  
14 company money and that he was a serial dater of women at  
15 the company, and that it wouldn't look good for me.

16                   And during that conversation, we talked a lot  
17 about our past relationship and how upsetting it had been  
18 for me when he'd push and pull and push me away and pull  
19 me in and it was confusing, and he was very remorseful for  
20 that. And when he left, he mouthed the words I love you  
21 to me. We texted a little bit afterward, and I said I  
22 need to distance myself and he said something to the  
23 effect of as long as it's distancing from all other  
24 parties, I'll be a happy camper. That was when he first  
25 learned of my relationship with Jeremy.

1 And so from that point on and even I'm now  
2 remembering, because a lot of these messages were deleted  
3 and recovered, so they're kind of sporadic. He mentioned  
4 he was jealous of my relationship with Robert Dennis, he  
5 wished that it was him that I was spending my time with.  
6 He asked me to go on events, to different events with him.

7 Q. Work events?

8 A. No, I think there was, like, a Sundance event, so  
9 a social event. And that he would be okay with us being  
10 in public now and that he would -- he wanted me back. He  
11 texted me constantly, saying he was having a really hard  
12 time with it, that he was sad and upset and not eating and  
13 stressed. He said he was apparently obsessed with me and  
14 going bankrupt, because he was also stressed about a lot  
15 of his financial happenings at that time. He said he was  
16 constantly Jonesing for me.

17 He called after I had met with him to tell him  
18 about the relationship with Jeremy. I told Jeremy I met  
19 with Rob to tell him I was dating you. When Jeremy  
20 mentioned that I had met up with Rob to Jason and Tyler,  
21 Jason said oh, that must have been why Rob inquired about  
22 your transfer to Chicago. Jeremy relayed that back to me,  
23 and the next time Rob and I were on the phone January 12th  
24 I asked Rob to make sure he wasn't going to now target  
25 Jeremy in any way. He wanted to know why I was saying

1 that and I didn't tell him what I had heard, but that I  
2 just asked him to not target Jeremy.

3 And Rob's response was now that there's -- that  
4 he's on his radar, he can't help that the spotlight's on  
5 him, doesn't matter how it got on him, but he's going to  
6 be checking on Jeremy. He asked me in ten years would you  
7 rather be with a Jeremy Thacker or Rob Donat, so it was a  
8 lot of that back-and-forth for several weeks, until he  
9 sent me a very long letter via text, but I believe he had  
10 mentioned that he had typed it in a different program  
11 first about how he wanted me to be his queen and something  
12 about rose petals from his previous relationship and he  
13 wanted to take my son fishing and all sorts of things  
14 about wanting a future with me.

15 When I responded to him how nice those things  
16 were, you deserve to be happy, I take responsibility for,  
17 you know, where we're at but going forward, I made a list  
18 of things that I asked of him, one of them to not unfairly  
19 discredit Jeremy. There were several things I asked of  
20 him and the last one was, like, respecting my choices and  
21 I asked him to let me go, and that's when he responded  
22 with the bitch text. So from that point on, I was careful  
23 about how I expressed my wishes to him, because it was  
24 clear that me just saying what I wanted, he was not going  
25 to accept.

1           So there were continued messages after that, he  
2 apologized a lot. He brought me into his office, told me  
3 I was the one thing that -- he has all the money in the  
4 world and I was the one thing he wanted and couldn't have.  
5 So there were many times where he expressed wanting a  
6 relationship with me again.

7           Q.     Are you done answering?

8           A.     Yes.

9           Q.     My question was focused on your physical  
10 interactions with him after December 26th; do you  
11 understand the distinction?

12          A.     Yes.

13          Q.     After December 26th, did you have any sexual  
14 relationships -- strike that.

15                 After December 26th, did you have any sexual  
16 interaction with Mr. Donat?

17          A.     No.

18          Q.     Did he touch you, kiss you, anything of that  
19 nature after December 26th?

20          A.     He tried to hold my hand at -- when we met for  
21 coffee, but no. I mean, he hugged me after the meeting.

22          Q.     Did that make you uncomfortable?

23          A.     I pulled my hand away and told him I did not want  
24 that.

25          Q.     Did he pursue touching you after you said that

1 also reported directly to Jason, and we would often meet  
2 occasionally and talk about how Jason told James one thing  
3 and Jason would tell me another thing.

4 Q. On matters of significance?

5 A. They were significant to us.

6 Q. Did you ever confront Mr. Walker?

7 A. Occasionally; he would laugh it off and blame  
8 James for being dramatic or blame me for, you know, making  
9 a big deal out of it.

10 Q. But generally, you had a good working  
11 relationship?

12 A. Yeah, we had a great working relationship.

13 Q. Do you think if you complained to him he would  
14 take your complaint seriously?

15 A. I did complain to him and he didn't take them  
16 seriously, but I hoped he would.

17 Q. You complained to him when?

18 A. With matter -- many, many times about matters of  
19 just day-to-day, I think he would try to do his best to  
20 mitigate, but on more serious matters such as harassment,  
21 the first time was in July of 2015.

22 Q. What did you say to Mr. Walker?

23 A. It was the day after the sales conference event,  
24 I told Jason that -- this was prior to Rob's and my  
25 relationship, consensual relationship, I had told Jason



1 that Rob had kissed me that night.

2 Q. What specifically did you say to him?

3 A. I said Rob kissed me last night.

4 Q. What did you want him to do?

5 A. He -- I asked him -- I don't know that I asked  
6 him anything. He put his hands on his face and said oh,  
7 my god, are you serious. We discussed the rest of the  
8 night, there were a lot of things that happened that  
9 night, and ten minutes later Rob was in my office.

10 Q. What did he say?

11 A. He said remind me what happened last night, Jason  
12 told me I kissed you. I said yes. He apologized.

13 Q. So Jason took action on your complaint; correct?

14 MR. CARDEN: Objection; form.

15 THE WITNESS: Jason told Rob what I had told him.

16 Q. BY MS. FRANCIS: And Rob apologized to you?

17 A. Correct.

18 Q. And you accepted his apology?

19 A. Yes.

20 Q. Did you expect anything more to happen?

21 A. No, my -- no. This was very in line with the  
22 culture at GPS Insight.

23 Q. And Rob didn't kiss you again until you began  
24 your consensual relationship; correct?

25 A. The next time he kissed me was when we were

1 Q. Did he respond?

2 A. So in July of 2016, sales conference again, he  
3 and I were talking and he asked me what had happened that  
4 night that I had referenced to you, because Jason -- Rob  
5 and I had earlier attended an SVP event. Jason dropped  
6 Rob and I off at Mellow Mushroom and knew that we were  
7 very drunk.

8 The next day after that event I had left my  
9 sunglasses in Jason's car and he came to give them to me,  
10 asked if everything was okay, and I had tears in my eyes  
11 and I said yes and he walked away.

12 So when we were at the sales conference in 2016,  
13 Jason said I want to know what happened that night, I've  
14 always wondered what happened that night. So I at that  
15 time had engaged in a consensual relationship with Rob,  
16 didn't really want Jason to know about it, but Jason had  
17 asked me questions about what happened that night, he  
18 asked if anything happened. I told him what happened and  
19 he said I knew it, I knew he would do that, and he got  
20 very upset. We kept getting interrupted a lot, so I  
21 didn't get to finish or figure out how he felt about it or  
22 what he was going to say about it.

23 Q. What specifically did you tell him had happened?

24 A. That in the back seat that Rob had -- was holding  
25 my hand while Jason was driving; Jason was really annoyed

1 by that, that it was in his own car. I told him that Rob  
2 had kissed me and I was so drunk I fell off my barstool,  
3 so we were escorted out of the restaurant, and then I told  
4 him that Rob -- that something happened afterward.

5 Q. Did you tell him specifically what happened  
6 afterward?

7 A. I may have mentioned Rob's apartment, but I don't  
8 remember specifics.

9 Q. But you know you told him Rob held your hand?

10 A. Uh-huh.

11 Q. Correct?

12 A. Correct.

13 Q. And you know that you told him that Rob kissed  
14 you and you fell off the barstool because you were drunk?

15 A. Correct.

16 Q. But you don't remember what you told him besides  
17 that?

18 A. Correct.

19 Q. What did Jason do in response? If you know.

20 A. He got really upset, but as I mentioned, we were  
21 interrupted a lot, so we talked about it via e-mail a  
22 little bit that weekend.

23 Q. Have you produced those e-mails?

24 A. I did.

25 Q. What else did he do in response?

1           A.     I didn't ask him to do anything in response,  
2     there was nothing else.

3           Q.     He was asking you to confirm what happened that  
4     night, you weren't actually filing a complaint or making a  
5     complaint that you wanted him to act on; is that correct?

6           A.     That is correct at that time.

7           Q.     I was originally asking you for information about  
8     what you complained to Jason about matters that you said  
9     you considered to be serious, not day-to-day operations --

10          A.     Uh-huh.

11          Q.     -- to confirm whether or not Jason responded and  
12     took action.

13          A.     So there's one more time.

14          Q.     But we're on the same page, we're talking about  
15     complaints that you made to him where you wanted him to do  
16     something in response?

17          A.     Okay. I see what you're saying.

18                 So I -- on February 14th, I had --

19          Q.     What year?

20          A.     Of 2017. I had told him the day before in a text  
21     message that I had received some really upsetting  
22     information, and we talked and he said he was unsure what  
23     it would be about and we could talk the next day. So on  
24     February 14th, he stopped in my office and said that he  
25     and Loray, his wife, had discussed things and said he

1 wasn't sure what was happening, but that if I needed to  
2 take legal action I should, but that I should leave him  
3 out of it. And he said he was upset because this probably  
4 meant that he might lose me as an employee, so --

5 Q. Did you --

6 A. When I actually made my complaint on March 9th,  
7 it was only after I was told by my direct supervisor that  
8 he wanted to be left out of it and, essentially, I was on  
9 my own.

10 Q. Did you produce a text with Jason where you told  
11 him you had something important?

12 A. I did.

13 Q. And your conversation where Jason told you he  
14 wanted to be left out of it, if you needed to take legal  
15 action do it, that was a verbal conversation that you had  
16 in the office?

17 A. Yes.

18 Q. You didn't give him any specifics about what was  
19 going on?

20 A. I told him that the -- I told him about the  
21 message the day before, I kind of told him the substance  
22 of the message but didn't say who it was from, but on the  
23 February 14th in-person meeting I told him that it was  
24 from Rob.

25 Q. I want to be clear. So on February 13th you

1 e-mail Jason and say what?

2 A. I texted Jason.

3 Q. You texted him?

4 A. And said are you aware of any -- anyone at the  
5 company or any performance issues or anyone complaining  
6 about me that I should be aware of.

7 Q. What was his response?

8 A. Said not that I'm aware of, but it appears to be  
9 that I'm not aware of much these days, something to that  
10 regard; not verbatim, I can't quote.

11 Q. What did you say in response?

12 A. I said if it's not you, Tyler, Phil, James, or  
13 Jeremy, then it's not urgent, and we can talk about it  
14 tomorrow.

15 Q. What did he say?

16 A. He said okay.

17 Q. You said something about upsetting information?

18 A. Uh-huh.

19 Q. Correct?

20 A. Correct. Sorry, I'm going to get that down.

21 Q. Did you text Mr. Walker that you had some  
22 upsetting information?

23 A. The text was that I had heard that -- I  
24 characterized the message that I had received from Rob  
25 which was prompting me to inquire with Jason, I

1 characterized that as upsetting.

2 Q. That's not what the text actually said?

3 A. I'd have to look at the text. I can't recall.

4 Q. You recall the text being that you were asking if  
5 there were performance concerns about yourself?

6 A. I think I said I received an upsetting message,  
7 are there any performance concerns; however, I'd need to  
8 see the message to confirm.

9 Q. And he responded not that he was aware of, but  
10 then we could talk about it later?

11 A. He responded no, I'm -- there seems to be very  
12 little, what was it about, and I said if it's not  
13 regarding these people, who meant a lot to me, then it's  
14 not urgent and we can talk about it the next day.

15 Q. And your conversation, the text conversation  
16 ended --

17 A. The text conversation ended, yes.

18 Q. The following day was February 14th of 2017;  
19 correct?

20 A. Correct.

21 Q. He approached you? You approached him?

22 A. He came into his office in the morning, he had a  
23 golfing event, he wasn't going to be there all day so he  
24 wanted to make sure and stop and check in.

25 Q. And tell me to the best of your -- did you record

1 this conversation?

2 A. No.

3 Q. Tell me to the best of your recollection what was  
4 said.

5 A. He said -- he asked what the message was about, I  
6 told him.

7 Q. What did you tell him specifically?

8 A. I told him the substance of the message. I'm not  
9 sure that I read it to him.

10 Q. Tell me what you recall saying.

11 A. I said Rob sent me a message that -- he said my  
12 professional reputation is at risk and that I need to fix  
13 it, something to that effect.

14 Q. That's the best you can recall of what you said  
15 to Jason?

16 A. Yeah, how the conversation started.

17 Q. What did he say in response?

18 A. He said look, Loray and I have actually been  
19 talking about this, about everything that's been going on,  
20 and Loray has some affiliation with some legal -- her  
21 profession is something regarding legal.

22 Q. Jason said this?

23 A. I'm saying the reason why he was telling me that  
24 he and Loray talked about it, he said if I need to take  
25 legal action I should and we think you should if you need



1 to, but that I need to be left out of it completely.

2 Q. Did he say why?

3 A. No.

4 Q. What did you say in response?

5 A. I don't recall specifically how much longer  
6 the -- it was a quick conversation. I'm sure I was upset  
7 and started crying or something.

8 Q. Is that in his presence or after he left?

9 A. In his presence.

10 Q. What did he say when you started crying?

11 A. I'm not sure if -- I probably had tears in my  
12 eyes, and the conversation -- he gets uncomfortable when I  
13 get emotional or when anyone gets emotional around him,  
14 it's a running joke, so I'm assuming he left shortly  
15 afterward.

16 Q. If you had problems with Jason as your  
17 supervisor, who would you complain to within the company?

18 A. It would have to be Rob or Elliot.

19 Q. What was Elliot's role?

20 A. Vice president of operations.

21 Q. Did you ever feel that -- strike that.

22 So did you ever have an occasion that you had a  
23 complaint about Jason that you took to another manager?

24 A. No.

25 Q. But if you did, you would have contacted Elliot

1 knowledge.

2 Q. Are you aware of Mr. Thacker charging purely  
3 personal expenses on his company credit card?

4 A. I am not privy to knowing what he charged. I  
5 haven't seen charges.

6 Q. Did you discuss it with him?

7 A. I knew that there was a dispute over it after his  
8 termination.

9 Q. Did you know that there was a dispute about it  
10 before he was terminated?

11 A. I did know about that when Rob in the  
12 January 10th meeting brought up the fact that Jeremy owed  
13 the company money. I mentioned that to Jeremy and he --  
14 and he said that's not true, I paid back the loan in full,  
15 and he confirmed that that was indeed true, that he had  
16 paid back his loan, so that was my understanding of that.

17 Q. Why are you characterizing it as a loan?

18 A. That's how Jeremy characterized it.

19 Q. But you understood that these were things that  
20 were charged on the company credit card?

21 MR. CARDEN: Objection; form and foundation.

22 THE WITNESS: I didn't know what, all I knew is  
23 that Rob told me Jeremy owed the company money; Jeremy  
24 explained that it was more of a loan and that he had paid  
25 it back.

1 A. That is correct.

2 Q. Did you attend that meeting?

3 A. No, I did not.

4 Q. Do you know who attended the meeting?

5 A. No, I do not.

6 Q. Who was the lawyer?

7 A. Mr. Kresin.

8 Q. On what date did you retain the services of  
9 Mr. Kresin for your legal issues?

10 A. I met with him for advice on -- it was after I  
11 filed my complaint or sent my e-mail complaint to Rob,  
12 Elliot, Tyler, and Jason in which I said I would be  
13 seeking -- I would be discussing it with an attorney.

14 MS. FRANCIS: I believe we're on No. 36. Is that  
15 correct?

16 MR. SILENCE: I believe that is correct.

17 MS. FRANCIS: The court reporter will mark it for  
18 you.

19 (Deposition Exhibit No. 36 was marked for  
20 identification.)

21 Q. BY MS. FRANCIS: The court reporter's marked  
22 Exhibit No. 36 to your deposition. Do you recognize this  
23 document?

24 A. Yes, I do.

25 Q. Did you write this document?

1 A. Yes, I did.

2 Q. Is this the document or the e-mail that you --  
3 strike that.

4 What is Exhibit No. 36?

5 A. I don't know how to answer that. What is it in  
6 general?

7 Q. Yes.

8 A. It's an e-mail that I sent to Rob, Elliot, Jason,  
9 Tyler, Jeremy, and Rob's lawyer to disclose my affair with  
10 Rob.

11 Q. Is this the e-mail that you were referencing in  
12 your prior testimony where you said that you met with an  
13 attorney after you sent the e-mail to Rob, Elliot, Tyler,  
14 and Jason?

15 A. Yes, this is it.

16 Q. Where in this e-mail does it say that you will be  
17 seeking guidance from an attorney?

18 A. The fourth paragraph, first sentence.

19 Q. "I will not speak of this to anyone except an  
20 attorney and Jesse, with whom I ask that you do not share  
21 this information until I am able to tell him myself."

22 Did I read that correctly?

23 A. Yes.

24 Q. So it was after you sent this e-mail that you  
25 first met with legal counsel?

1           A.     Yes.

2           Q.     Was it the same day?

3           A.     Possibly.

4           Q.     You don't recall?

5           A.     I don't recall.

6           Q.     Who did you meet with?

7           A.     I met with Dave Kresin.

8           Q.     Did you arrange that meeting directly or did  
9 someone arrange that for you?

10          A.     I -- I'm not sure if I arranged that or not.  
11 Jeremy -- let me think about that.

12                   I don't think I arranged that.

13          Q.     Who arranged it?

14          A.     I believe Jeremy.

15          Q.     Prior to your sending Exhibit No. 36, did any of  
16 the people that received the e-mail have knowledge of your  
17 affair with Rob?

18                   MR. CARDEN:  Objection; form.

19                   THE WITNESS:  I can't speak to anyone else's  
20 knowledge.

21          Q.     BY MS. FRANCIS:  Had you told any of these people  
22 that you were having an affair with Rob?

23          A.     I had told Jeremy.

24          Q.     When did you tell Jeremy?

25          A.     I told him portions of it on the 13th, I told him

1 in an e-mail that he's seen, you're saying you want to  
2 stay?

3 A. That wasn't the primary reason. I think he was  
4 questioning everything, based on the typo.

5 Q. Why was he upset that you were e-mailing Jason  
6 alone? If you know.

7 A. No, the e-mail -- the alone is in reference to he  
8 thought that I was just keeping -- I have to look at the  
9 text or the message. He thought that I was not holding  
10 Rob accountable to some respect by an omission of the word  
11 that he misread. That's my understanding.

12 (Deposition Exhibit No. 40 was marked for  
13 identification.)

14 Q. BY MS. FRANCIS: The court reporter's marked  
15 Exhibit No. 40 to your deposition. Tell me when you're  
16 done reading it.

17 A. I'm done.

18 Q. If you look at the second page of Exhibit No. 40,  
19 it's an e-mail chain, so you have to read it backwards.  
20 The first e-mail is an e-mail sent from you on GPS  
21 Insight's e-mail account to Jason. Do you see that?

22 A. I do.

23 Q. That's sent on March 9th at 4:55 p.m.?

24 A. Uh-huh.

25 Q. Correct?

1 A. Correct.

2 Q. And that e-mail you sent to Jason alone?

3 A. Just Jason.

4 Q. Right. And this is the e-mail that Mr. Thacker  
5 is referencing in his text message on March 9th at  
6 9:39 p.m., which is in Exhibit No. 39; correct?

7 A. Correct. Yes.

8 Q. And he's upset that you're e-mailing Jason alone;  
9 correct?

10 A. He's upset by that because he thought I said I  
11 asked that you not share my feelings about that with Rob.  
12 So in him thinking that that's what I said, he was even  
13 further exacerbated that it was just to Jason, like, that  
14 I was trying to keep it private and not tell Rob how I  
15 really felt.

16 Q. Who did you blind copy on this e-mail on  
17 March 9th to Jason that you sent on GPS Insight?

18 A. Is it listed here?

19 Q. No.

20 A. I don't -- I'm -- why are you assuming I blind  
21 copied someone?

22 Q. Because Mr. Thacker is saying in Exhibit No. 39  
23 that he just read it.

24 A. I don't know that I blind copied Jeremy.

25 Q. How did you send it to him?

1 Q. Did someone help you write that e-mail?

2 A. Someone did not help me write that e-mail.

3 Q. Why did you need to make clear that the  
4 harassmt was sexual in nature?

5 A. Because in -- I wanted to make sure that it  
6 wasn't -- that Jason didn't misinterpret it that it was  
7 just regular bullying or harassmt, I wanted to make sure  
8 that he knew my complaint was sexual harassmt, because I  
9 did not include that in my first complaint.

10 Q. What prompted you to write this e-mail on  
11 March 13th?

12 A. I omitted that from my first complaint and I  
13 wanted to clarify in my second complaint.

14 Q. Why?

15 A. I didn't want further misunderstanding.

16 Q. Did someone tell you that you needed to clarify?

17 A. No, not that I needed to clarify.

18 Q. That you should clarify?

19 A. Not that I should clarify.

20 Q. Did anyone prompt you to send this e-mail on  
21 March 13th?

22 A. I sent -- I chose to send this e-mail on  
23 March 13th.

24 Q. But did anybody tell you you should clarify,  
25 rectify, make clear, anything that caused you to send this



1 STATE OF ARIZONA )  
 ) ss.  
2 COUNTY OF MARICOPA )

3 BE IT KNOWN that the foregoing proceedings were  
4 taken before me; that the witness before testifying was  
5 duly sworn by me to testify to the whole truth; that the  
6 foregoing pages are a full, true, and accurate record of  
7 the proceedings, all done to the best of my skill and  
8 ability; that the proceedings were taken down by me in  
9 shorthand and thereafter reduced to print under my  
10 direction.

11 I CERTIFY that I am in no way related to, nor  
12 employed by any of the parties hereto, and have no  
13 interest in the outcome thereof.

14 [X] Review and signature was requested.  
15 Review and signature was waived.  
16 Review and signature not requested.

17 I CERTIFY that I have complied with the ethical  
18 obligations set forth in ACJA 7-206(F)(3) and ACJA 7-206  
19 J(1)(g)(1) and (2). Dated at Scottsdale, Arizona, this  
20 24th day of August, 2018.

21 *Doreen Sutton*

22 -----  
23 DOREEN SUTTON, FAPR, CSR  
24 Certified Reporter #50076  
25 Registered Professional Reporter

\* \* \* \* \*

26 I CERTIFY that CARRIE REPORTING, LLC, has complied  
27 with the ethical obligations set forth in ACJA  
28 7-206(J)(1)(g)(1) through (6).

29 *Nichelle Dunes*

30 -----  
31 CARRIE REPORTING, LLC  
32 Registered Reporting Firm  
33 Arizona RRF No. R1064

# EXHIBIT L

1 MS. FRANCIS: Object to form and foundation.

2 THE WITNESS: I don't recall that, no.

3 BY MR. SILENCE:

4 Q. And is this conversation that we are having about  
5 Container Freight, is this the customer that's the subject  
6 of the e-mails that you sent to Jason Walker?

7 MS. FRANCIS: Object to form and foundation.

8 THE WITNESS: I don't recall. I know it  
9 was -- I recognize the name Container Freight. I don't  
10 remember who the customer was.

11 BY MR. SILENCE:

12 Q. Do you remember when you had this discussion with  
13 Jeremy that we have been talking about?

14 A. I believe it was towards the end of his  
15 employment, possibly. I'm not sure.

16 Q. Do you remember ever talking to Rob Donat about  
17 this Container Freight issue?

18 A. I do know that when I was speaking to Ray in his  
19 office about trying to get information, Rob either was  
20 already in Ray's office or came in at the same time as me.  
21 I can't recall. I don't recall how Rob got there, but Rob  
22 was in the office when Ray and I were having this  
23 discussion about this order.

24 Q. But you are not sure whether -- Well, let me back  
25 up.

UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF ARIZONA

JEREMY THACKER,	)	
	)	
Plaintiff,	)	
	)	Civil Action No.
vs.	)	2:18-cv-000630-DJH
	)	
GPS INSIGHT, LLC; ROBERT DONAT,	)	
individually,	)	
	)	
Defendants.	)	
_____	)	

DEPOSITION OF CARRIE RACE

Phoenix, Arizona  
August 29, 2018  
10:00 a.m.

PREPARED FOR:

ATTORNEY AT LAW

(COPY)

Reported by:  
Robin Jasper, RPR  
CCR No. 50286  
AZ Registered Reporting Firm No. R1008

1 STATE OF ARIZONA )  
2 ) ss.  
3 COUNTY OF MARICOPA )

4 BE IT KNOWN that the foregoing transcript was taken  
5 before me; that the witness before testifying was duly  
6 sworn by me to testify to the whole truth; that the  
7 foregoing pages are a full, true and accurate record of  
8 the proceedings, all done to the best of my skill and  
9 ability; that the proceedings were taken down by me in  
10 shorthand and thereafter reduced to print under my  
11 direction.

12 I CERTIFY that I am in no way related to any of the  
13 parties hereto nor am I in any way interested in the  
14 outcome hereof.

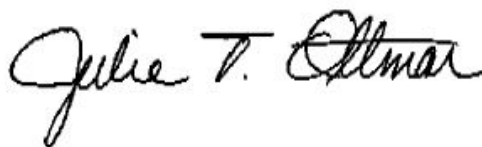
15 [X] Review and signature was requested.  
16 [ ] Review and signature was waived.  
17 [ ] Review and signature not requested/required.

18 I CERTIFY that I have complied with the ethical  
19 obligations set forth in ACJA 7-206(F)(3) and ACJA 7-206  
20 (J)(1)(g)(1) and (2). Dated at Phoenix, Arizona, this  
21 12th day of September, 2018.

22 

23 \_\_\_\_\_  
24 Robin Jasper, RPR  
25 Arizona Certified Reporter No. 50286

26 I CERTIFY that OTTMAR & ASSOCIATES, INC., has  
27 complied with the ethical obligations set forth in ACJA  
28 7-206(J)(1)(g)(1) through (6).

29 

30 \_\_\_\_\_  
31 OTTMAR & ASSOCIATES, INC.  
32 AZ Registered Reporting Firm No. R1008

# EXHIBIT M

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**UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF ARIZONA**

Jeremy Thacker,

Plaintiff,

v.

GPS Insight, LLC; Robert Donat,  
individually,

Defendants.

Case No. 2:18-cv-00063-DJH

**Declaration of Kristin Lisson in Support  
of Response to Defendants' Motion for  
Summary Judgment**

(Assigned to Honorable Diane J.  
Humetewa)

I, Kristin Lisson, declare as follows under penalty of perjury:

1. I am an adult and am competent to testify. If called to testify at trial, I would testify consistently with this declaration.
2. I make this declaration based upon my personal knowledge.
3. **In the fall of 2016, Jeremy Thacker gave Rob Donat a ride from the Brunswick Zone Via Linda Lanes bowling alley to High Street (Mr. Donat's apartment).**
4. Mr. Donat, Jeremy, and I participated in a bowling league with other GPS Insight ("GPSI") employees in 2016.
5. I saw Mr. Donat get into Jeremy's vehicle.

- 1           6.     I had given Mr. Donat a ride from High Street to the bowling alley that
- 2                 same day.
- 3           7.     Mr. Donat and Jeremy were friendly whenever I saw them interact with
- 4                 each other during 2016.
- 5           **8.     On January 12, 2017, I called Mr. Donat twice.**
- 6           9.     Our first call lasted 29:15 minutes, and our second call lasted 7:50 minutes.
- 7           10.    Two days prior to these calls, I had informed Mr. Donat of my relationship
- 8                 with Jeremy.
- 9           11.    One day prior to these calls, Jeremy had informed me that Mr. Donat
- 10                inquired with Jason Walker about a transfer for Jeremy to the GPSI Chicago
- 11                office.
- 12           12.    On these calls, Mr. Donat and I discussed Jeremy at length. Mr. Donat told
- 13                me that he would be paying attention to Jeremy now that he was on his
- 14                radar.
- 15           13.    On these calls, I asked Mr. Donat not to scrutinize Jeremy due to Jeremy's
- 16                romantic relationship with me.
- 17           **14.    Between January 16, 2017 and January 23, 2017, Mr. Donat and I**
- 18                **spoke on the phone with each other five times for a total of 48:15**
- 19                **minutes.**
- 20           15.    On one of those calls, Mr. Donat discussed Jeremy's personal life; namely,
- 21                that Jeremy had once sent a former GPSI coworker (Jen Gillham)
- 22                unsolicited and inappropriate text messages.
- 23           16.    I understood that Mr. Donat had been golfing earlier that day with Allison
- 24                McIlroy, a friend of Mrs. Gillham, who relayed to Mr. Donat the gossip
- 25                about Jeremy.
- 26           17.    On the same call, I told Mr. Donat the information he had was false.
- 27
- 28



18. I told Mr. Donat that Jeremy and Mrs. Gillham had a previous consensual sexual relationship.

19. Later that evening, I told Jeremy the gossip Mr. Donat had relayed to me.

**20. On February 13, 2017, Mr. Donat called me.**

21. Our call lasted for 20:38 minutes.

22. On the call, Mr. Donat informed me that he learned that I was being “bitchy” from unnamed sources at the office.

23. Mr. Donat would not tell me who made the comments and asked me not to ask anyone about them, including my supervisor, Mr. Walker.

24. On the call, Mr. Donat also told me that my relationship with Jeremy was painting me in a negative light among my coworkers.

25. On the call, Mr. Donat also informed me that if I continued to pursue a relationship with Jeremy, that it would be the “nail in the coffin” for any relationship that Mr. Donat and I could ever have again.

26. In the same statement, Mr. Donat also acknowledged that I had already told him that I did not want a relationship with him again.

27. I ended the call because I experienced a panic attack and could not breathe.

**28. On March 1, 2017, Mr. Donat called me.**

29. Our call lasted for 45:49 minutes.

30. On the call, Mr. Donat told me that whenever he walked by my office and noticed that I was gone, he made sure to also walk by Jeremy’s office because he was paranoid that Jeremy and I were together.

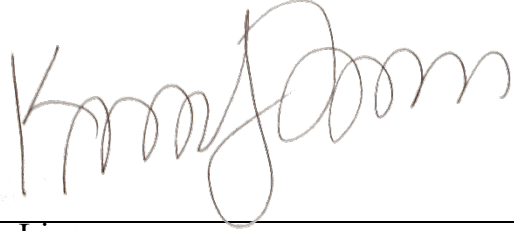
31. On the call, we also discussed at length Mr. Donat’s perception of Jeremy’s work performance and character.

**32. On March 9, 2017, I sent an email to members of GPSI management at 4:59 am with the subject: “A clearer picture for all involved.”**

33. I had not met with an attorney prior to sending that email.

1           34. Pursuant to 28 U.S.C. § 1746, I declare under penalty of perjury under the  
2 laws of the United States of America that the foregoing is true and correct.  
3 EXECUTED this 12<sup>th</sup> day of November, 2018.

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28



Kristin Lisson

# EXHIBIT N

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**UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF ARIZONA**

Jeremy Thacker,  
  
Plaintiff,  
  
v.  
  
GPS Insight, LLC; Robert Donat,  
individually,  
  
Defendants.

Case No. 2:18-cv-00063-DJH

**Declaration of Jeremy Thacker in  
Support of Response to Defendants'  
Motion for Summary Judgment**

(Assigned to Honorable Diane J.  
Humetewa)

I, Jeremy, Thacker, declare as follows under penalty of perjury:

I am the Plaintiff in this lawsuit, and I am providing this sworn declaration based upon my personal knowledge.

**I. Audio Recordings of Meetings (Ex. 8; Ex. 9; Ex. C)**

1. Defendants' Exhibit 9 to their MSJ (Doc. 112) is a transcript of part 1 of 2 of an audio recording of a meeting on March 2, 2017 between myself, Jason Walker, and Tyler Mortensen.
2. Defendants' Exhibit 18 to their MSJ is a transcript of part 2 of 2 of an audio recording of a meeting on March 2, 2017 between myself and Jason Walker.

3. I personally recorded the audio using an app on my phone and certify the authenticity of the audio.
4. Unbeknownst to me at the time, the app used to make the cut off after about an hour of recording.
5. I estimate that 30 to 45 minutes between part 1 and part 2 of the meetings went unrecorded.
6. During this unrecorded time, Mortensen left the meeting leaving myself and Walker alone.

## **II. Dispute of the Accuracy of Transcripts of Audio Recordings**

7. Defendants did not disclose the transcripts (Ex. 9 and 18) before including them in their MSJ (Doc. 112).
8. The transcripts (Ex. 9; Ex. 18) are marked as certified transcripts.
9. After noticing multiple errors in Ex. 8 and Ex. 9, I ordered the transcripts used by Defendants from Jane Doyle at JD Reporting.
10. I dispute the accuracy of the transcripts of the audio recordings (Def Ex. 9 and 18) as well as the transcript of a third audio recording of a meeting on March 6, 2017 between myself, Tyler Mortensen, Jason Walker, and Gary Fitzgerald that was not used in Defendants' MSJ.
11. Exhibits A and B contain accurate transcriptions of those recordings, including changes that I heard from listening to the recordings.

## **III. ¶ Numbers 12 through 27 were purposely omitted**

## **IV. § Numbers III and IV were purposely omitted**

## **V. Foundation and Authentication of Documents**

28. All of the emails that are attached to the Response to Defendants' Summary Judgment to which I am a party were either sent or received by me on the dates indicated.

- 1 29. Exhibit R was a recording of a phone call between Lisson and Donat on  
2 March 8, 2017 which I removed based on Court's order. I certify that  
3 Donat refers to me as a "fucktard" in that recording.
- 4 30. Exhibit S is my W2 from GlobeRanger.
- 5 31. Exhibit T is a text between me and Mortensen.
- 6 32. Exhibit U is an email between me and Mortensen.
- 7 33. Exhibit V is an email between me and Walker.
- 8 34. Exhibit W is Defendant's Responses to our discovery requests.
- 9 35. Exhibit X is a text from Donat to Batcheller, Mortensen, and Walker on 9  
10 March 5, 2017. Donat confirmed in his deposition that he sent this text.
- 11 36. Donat testified in deposition that Exhibit Z is his call logs on the dates  
12 indicated.
- 13 37. Exhibit AA through AD are texts between Lisson and Donat that Donat  
14 produced in this lawsuit and verified in deposition that they appear to be  
15 his texts.
- 16 38. Exhibit AD is a text between Donat and Lisson that Donat produced.
- 17 39. Exhibit AE through AG are texts between me and Mortensen that I  
18 produced.
- 19 40. Exhibit AH is my email exchange with Donat.
- 20 41. Exhibit AI is the response that GPSI filed to my claim for unemployment.
- 21 42. Exhibit AJ is a text between Donat and Lisson that Donat produced and  
22 verified in deposition that he produced.
- 23 43. Exhibit AK through AL are email exchange between Walker and Lisson  
24 and Walker and Mortensen that GPSI produced.
- 25 44. Exhibit AM is an email between me and Mortensen.
- 26 45. Exhibit AN is a text between Lisson and Walker that Lisson produced.
- 27 46. Exhibit AO is a draft of a text message that Lisson then copied and pasted  
28 into a text that she sent to Donat on January 17, 2017. Lisson does not

1 have the text, and Donat will not produce it. Lisson produced this draft  
2 message.

3 47. Exhibit AP is an email between me and a GPSI employee,  
4 Chelsea Rosenthal.

5 48. Exhibit AQ is an email between Mortensen and Walker that GPSI  
6 produced.

7 49. Exhibit AR through AT are texts between Donat and Lisson.

8 50. Exhibit AU is a text between me and Lisson.

9 51. Exhibit AV is my W2 for GPSI.

10 52. Exhibit AW are texts between Walker and Mortensen produced by GPSI.

11 53. Walker and Mortensen confirmed in deposition these appear to be their  
12 texts.

13 54. Exhibit AX is an email from Walker to GPSI that GPSI produced.

14 55. Exhibit AY is a screenshot of Netsuite that I took in February 2017  
15 showing my sales results.

16 56. Exhibit AZ is a text between me and Walker.

17 57. Exhibit BB is an email from me and Donat.

18 58. Exhibit BC is an email between me and Walker.

19 59. Exhibit BD is an email between me and Donat.

20 60. Exhibit BE and BF are texts between Donat and Lisson that Lisson  
21 produced.

22 61. Exhibit BG is a text between Lisson and Walker that Lisson produced.

23 62. Exhibit BH and BL are emails between Donat and Robert Dennis.

24 63. Exhibit BI through BK are text between Lisson and Donat that Lisson  
25 produced.

26 64. Exhibit BM is a police report that Donat filed against me.

27 65. Exhibit BN is an email between me and Mortensen.  
28

66. Exhibit BO through BQ are chart I created using data supplied by GPSI to show the number of units I had sold, revenue I generated, and my revenue vs. expenses in 2016 through 2017.

67. Exhibit BR is a Slack message between Walker and Batcheller produced by Defendants.

68. Exhibit BS through BV are texts between Lisson and Donat.

69. Exhibit BW is an email between Walker and Mortensen.

70. Exhibit BX is a text between me and Robert Dennis.

71. Exhibit BY is the one and only sales policy that GPSI provided.

72. Exhibit BZ are the relevant portions of Plaintiff's Seventh Disclosure.

73. Exhibit CA is Defendants' Thirteenth Supplemental Disclosure.

#### **VI. The Airbnb Allegation was Never Disclosed**

74. Despite Walker's knowledge of the allegation in June 2017 (Ex. 25 ¶ 15), I certify that prior to August 31, 2018 in Defendants' 12<sup>th</sup> Supplemental Disclosure Statement, Defendants' had never mentioned the Airbnb scheme.

75. By August 31, 2018, the deadline for taking depositions and propounding discovery had passed.

76. Even when providing me with some notice of the Airbnb issue on August 31, 2018, Defendants had still never disclosed Chelsea Cassis as a witness name in a single document or proceeding in this case until their MSJ where they included her declaration. (Def Ex. 28; CA – Defendants' 13<sup>th</sup> Supplemental Disclosure).

#### **VII. The Airbnb Allegation is Provably False**

77. While surprised by the declaration of Ms. Cassis, I will not accuse her of lying. (Ex. 28).

78. Instead, I believe she has either incorrectly remembered the events or taken something I said in jest as literal.



- 1 79. I have never received a payment, reward, or kickback of any kind as a  
2 result of a transaction through or involving Airbnb.
- 3 80. According to my account history and recollection, I have stayed in a total  
4 of four Airbnb properties. (Ex. N-1).
- 5 81. In Cassis' Declaration, she states that I had set up this arrangement with a  
6 friend in Dallas. (Ex. 28 at ¶ 6).
- 7 82. While I lived in Dallas for many years and maintain many relationships  
8 there, I have never rented an Airbnb or anything similar in the DFW  
9 Metroplex. (N-1).
- 10 83. In Mr. Walker's declaration, he states that I rented an Airbnb for \$192 in  
11 November 2016 as part of an Airbnb scheme. (Ex. 25, at 2:23-25).
- 12 84. This is not the first time that Mr. Walker has, with little to no investigation  
13 into the accuracy or truth of the matter, falsely accused me. (Ex. A at  
14 27:16-21, 29:18-23, 31:7-11).
- 15 85. With a few minutes of research, Mr. Walker could have easily determined  
16 that the Airbnb I rented in November 2016 was located in Austin, TX.  
17 (Ex. N-2).
- 18 86. Austin is over 200 miles south of Dallas. ([Map – Dallas to Austin](#)).
- 19 87. Walker was aware that the trip to Austin was made with a co-worker (still  
20 at GPSI), Josh Danke, to visit a prospect, which became my biggest client,  
21 Lower Colorado River Authority (LCRA). (Ex. N-3).
- 22 88. As seen on [Google Maps](#), the Airbnb was located less than a mile away  
23 from LCRA's headquarters in Austin; LCRA's address is 3700 Lake  
24 Austin Blvd, Austin, TX 78703. (Ex. N-4).
- 25 89. I ask the Court to take judicial notice of the maps showing the distance  
26 between Austin and Dallas and the Airbnb rental and LCRA's  
27 headquarters.  
28

1 90. Danke and I decided to share a two-bedroom Airbnb due to convenience  
2 of location and as a cost-saving measure for the company, as hotel rooms  
3 were over \$250 per night for each of us at that time.

4 91. According to the Airbnb receipt submitted to GPSI in 2016, the property  
5 belonged to Nat Nealeigh. (Ex. N-2).

6 92. I have never met nor spoken to Nat before or after our stay and do not  
7 know of any mutual connections that exist between the two of us.

8 **VIII. I had Permission to Use the Company Credit Card for Personal Expenses**

9 93. I had permission to use my company credit card for personal expenses, so  
10 long as I repaid the money when I earned commissions.

11 94. In 2014, I approached Mortensen, my supervisor, to see if the company  
12 could help me with personal financial difficulties.

13 95. I specifically asked if the company could extend a draw against  
14 commissions.

15 96. After speaking with Walker and Batcheller, Mortensen offered an  
16 alternative solution of using my company credit card as opposed to a  
17 draw, as that would require Donat's approval.

18 97. Walker and Mortensen were aware that I was using the card for legal  
19 expenses surrounding child support.

20 98. I was also told that I could use the card for personal expenses, so long as I  
21 repaid the money.

22 **IX. Promissory Note**

23 99. In February 2015, I was asked to sign a promissory note.

24 100. The reason for the promissory note had nothing to do with me being in  
25 "trouble" for charging personal expenses.

26 101. As stated in the email, the external auditors needed the promissory note  
27 for tax and accounting purposes. (Ex. BN).  
28

102. Despite being February 13, 2015, GPSI requested that I backdate the document to December 31, 2014 in an effort to deceive the IRS.

103. A GPSI employee notarized the document and dated it 2014. (Ex. BN).

104. Walker acted as the witness for the notary.

#### **X. Meeting with Donat, Walker, Mortensen, Batcheller, and Eatman**

105. In October 2015, I was called into Elliot Batcheller's office with Donat, Walker, Mortensen, Elliot, and Phil Eatman.

106. Other than me, Donat was the only person to speak during the meeting.

107. Donat had just learned of the expenses and wanted to discuss this with me.

108. It became clear very quickly that Donat was unaware that I had been given permission by Walker and Mortensen.

109. After the meeting my supervisors were not upset, nor was I issued a written warning.

110. Two months later, I was promoted to the Government Sales Team.

111. I continued to use the card through my termination in March 2017 for occasional personal expenses, with the permission and the expectation that I would repay the money.

#### **XI. Post-Termination Deduction of Expenses**

112. In the recording of March 2, 2017 meeting, Walker told me that if I had come to him that he would have said "...if you want to do something, we know you're getting paid, go charge something on the credit card and pay us back." (Ex. B, at 35:4-6).

113. In May 2017, I did not object to personal expenses being deducted from my paycheck because our agreement was that I would pay pack any personal expenses when I received large commission checks.

114. Also, I was only provided with documentation for a small percentage of the expenses that were deducted from my paycheck. (Ex. 26).

115. I did object in writing to specific charges that I believe were legitimate reimbursable business expenses. (Ex. 26)

116. I never received any documentation or notification supporting the additional charges prior to the deduction from my paycheck until the Defendants Motion for Summary Judgement, which was after the deadline for discovery had passed.

117. While I agreed to repay personal expenses, I never agreed to have the funds deducted from my paycheck without my authorization or reviewing the charges.

118. At the time, my Counsel suggested that I not get involved in arguments with Donat since we were preparing for litigation.

119. After now reviewing the charges deemed personal by GPSI for the first time in their MSJ, I dispute many of the charges deducted from my paycheck.

120. Over \$1,000 of the charges were legitimate business expenses that should not have been deducted from my paycheck without my authorization.

## **XII. Expense Reports for other GPSI Employees**

121. I requested the expense reports for all GPSI employees (and later limited my request to just a handful of employees) to show that other employees frequently used the card for personal expenses and that GPSI knowingly approved those expenses.

122. I requested the reports because I know that Batcheller used the card to go to the strip club with other GPSI employees.

123. I also know that other GPSI employees used their card for extravagant personal expenses.

124. These employees were never terminated.

125. Defendants refused to produce any of these expense reports. (W).

**XIII. Top Sales Performance**

126. I achieved exceptional sales results in 2016 to 2017, including having the greatest single month in the history of the company in February 2017.

120. That month, I alone sold over 1,500 units.

127. If I were also paid for Amerisure, I would have accounted for roughly 50% of the overall sales among the 17 sales representatives.

**XIV. Job Search Efforts**

128. After Donat began harassing Lisson and me, I had one conversation with one company about possibly working for them.

129. The only reason I did so was because I was because I feared I would be terminated, and even if not, I knew that Donat would not stop harassing me and Lisson until he got what he wanted – Lisson.

130. I told Walker and Mortensen in the March 2, 2017 Meeting and prior to that meeting that I was excited about the opportunity to work on the Government Sales Team because I knew I could (and did) make a lot of money.

131. I also had lots of friends at GPSI, including Lisson, so I did not want to leave.

132. In the transcripts of The Meeting, Walker used the word “fuck” 26 times. (Ex. A; Ex. B).

**XV. GlobeRanger**

133. GlobeRanger was not a substantially equivalent job compared to my job at GPSI in terms of job satisfaction, seniority/status, income, or opportunity for growth and advancement.

134. I worked at GlobeRanger from May 2017 through December 2017.

135. It shut down all US operations in June 2018; all twelve salespeople were terminated.

136. At GlobeRanger, I had a base salary of \$90,000 annually.

137. I received a draw of \$3,750 per month for the first 3 months equaling \$11,250.

**XVI. GlobeRanger's Commission Plan**

138. Prior to October 27, 2017, I did not have the ability to earn additional income because we never received a commission plan.

139. When I received my offer letter in May of 2017, I was told that I should expect a commission plan by the end of June 2017.

140. Immediately upon receiving the commission plan on October 27, 2017, I shared my skepticism regarding whether the numbers were realistic based on the status of the company and products.

141. I was skeptical because GlobeRanger had just decided to pursue new markets that GlobeRanger had no experience in.

142. In addition to the lack of experience in the market to which I was assigned (aviation), this market had notoriously long sales cycles that are typically measured in years.

143. The commission plan only offered additional income for "closed" sales, which would be at least a year out.

144. On October 31, 2017 had a call with my managers where acknowledged the long sales cycles and how it was unlikely that I would close any sales in the near future.

145. On that call, I was promised an additional compensation plan that awarded payouts for sales activities (in addition to results).

146. I never received any activity-based compensation plan or activity-based pay, despite my asking on several occasions.

147. During the entire time I worked at GR, I only knew of one sale closed by any salesperson.

**XVII. GlobeRanger Income VS. GPSI Income**

148. During the deposition of GR, they testified that the top performing salesperson had, in addition to her base salary, earned on average \$1,000 per month.

149. The salesperson, Emerald Webster, started with the company about a year prior to me.

150. If I had performed at the same level as the more experienced, top performer at GR, I would have earned an additional \$6,000 in total income, or \$1,000 monthly, before the company terminated all salespeople in June 2018.

151. If I was the top performer from December 2017 to June 2018, my monthly income would have been \$8,000 monthly.

152. My 2017 W-2 at GR was \$63,894 for 6 months or \$10,649 per month.

153. My 2017 W-2 at GPSI was \$72,285 for 2 months or \$36,142 per month.

154. In Walker's declaration, he states that my 2017 income is skewed because of an atypical sales month.

155. Assuming Walker was correct, my average monthly earnings for my final *12 months* at GPSI was still over \$13,000 per month on average, compared to \$8,000 per month at GlobeRanger.

**XVIII. GlobeRanger Requirements to Change Industries**

156. After four months at GlobeRanger, I was required to switch markets and begin selling to aviation.

157. I had no experience or interest in aviation but was also given no choice.

158. I was also required to pitch a product that I describe as "half-baked."

159. I was not comfortable with this type of "sales" or "prospecting," and I expressed my concerns to my supervisors.

**XIX. GlobeRanger Did Not Have Good Cause to Terminate Me**

160. I never received a warning regarding my actions or behavior while at GlobeRanger, and I was not terminated for cause.

161. I was terminated after raising concerns about not receiving a commission plan until five months after I started, the commission plan being unrealistic, and a lack of a product to sell or market in which to sell.

162. I did not make a recording of the dinner Defendants refer to in their MSJ.

163. I never told my co-workers that I recorded the meeting.

164. I was never asked not to record phone calls by the CEO or anyone else at GR.

165. I was never told that I would be terminated if I did not start prospecting.

166. I never refused to visit a prospect.

167. I never refused to do anything asked of me by GR.

168. In September 2017, I did travel to meet Zodiac, the prospect mentioned during GR's deposition.

169. I also travelled to see prospects in Michigan (Magna) and California (Unical, Northrop Grumman, Meggitt Polymers) and to visit GlobeRanger headquarters in Dallas on multiple occasions.

**XX. GlobeRanger Executive Sponsorship Calls**

170. The Executive Sponsorship calls with Dennis Badman, CEO, were never positioned to me as disciplinary in nature nor treated as such.

171. Dennis was looking to me for insights into what was actually taking place in the field.

172. Those calls ended in October 2017 after GR's realignment.

**XXI. Usage of the Report for Employment Purposes**

173. The attorney who requested the Report was engaged to handle the negotiation of my severance; the parties were actively engaged in



negotiating a severance package at the time the Report was obtained. (AH 47).

174. VP of Operations, Elliot Batcheller, testified that Donat justified my termination by using information in the Report. (H 15-16, 18-19).

175. Donat admitted to me in a text dated March 9, 2018, that he was “lookingfor/ finding: documenting more” reasons for “pulling the plug” on me a few days before the Report was generated. (BF).

176. Donat also used the Report in an attempt to retain Robert Dennis as an employee by showing that he should choose GPSI over me because I had filed bankruptcy and lived in multiple homes.

177. Donat’s lawyer also requested and obtained a copy of Lisson’s consumer report from LexisNexis when requesting the Report. Ironically, Donat refuses to produce this report, citing privacy concerns. (*Id.*).

## **XXII. Usage of the Report for Credit Purposes**

178. Donat has made the claim that, as of March 13, 2017, when the Report was generated, I owed GPSI money based on a promissory note dated December 31, 2014, in the amount of \$5,741.55. (Doc. 112 at 9; 24).

179. In other words, when requesting and reviewing the Report, Donat believed I owed money to GPSI based on that promissory note. (K 49, 130).

## **XXIII. Usage of the Report for Insurance Purposes**

180. On March 27, 2017, two weeks after the Report was obtained, Defendants protested my unemployment insurance claim. (AI 98).

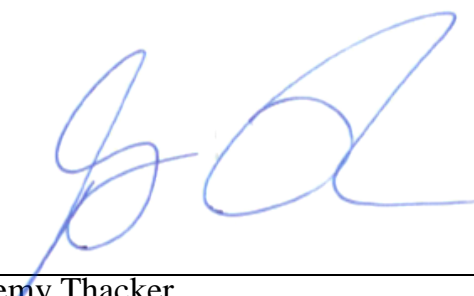
## **XXIV. Dismissal of Claim for Intentional Interference with Business Relations**

181. I believe that Defendants interfered with my ability to find other employment and that such evidence would be contained in the documents withheld by Defendants.

182. I, however, do not wish to delay these proceedings any further and will reluctantly agree to dismiss this claim.

1           183. Pursuant to 28 U.S.C. § 1746, I declare under penalty of perjury under the  
2           laws of the United States of America that the foregoing is true and correct.  
3           EXECUTED this 15<sup>th</sup> day of November 2018.

4  
5  
6  
7  
8  
9



Jeremy Thacker

JABURG|WILK  
Attorneys at Law

# EXHIBIT N1

## Past Trips



### Austin

Nov 8 - 9, 2016 · 2 guests  
Stylish, Central 2BD/2BA in Tarrytown



[Read Your Review](#)

[Get Receipt](#)

[Send or request money](#)



### Seattle

May 22 - 23, 2015 · 1 guest  
Immaculate Downtown Bellevue Condo

[Get Receipt](#)

[Send or request money](#)



### Seattle

May 19 - 22, 2015 · 2 guests  
Sky Cabin Apartment with Views



[Read Your Review](#)

[Get Receipt](#)

[Send or request money](#)



### Boise

Dec 9 - 10, 2014 · 1 guest  
It's all about the city.



[Read Your Review](#)

[Get Receipt](#)

[Send or request money](#)

# EXHIBIT N2



Airbnb, Inc.

888 Brannan Street  
San Francisco, CA 94103

# Confirmed: 1 night in Austin, TX

Booked by **Jeremy Thacker**  
Monday, Oct 31, 2016**Accepted**  
QJ5QAF**Check In**  
**Nov 8, 2016** > **Check Out**  
**Nov 9, 2016**

## Entire home/apt

Stylish, Central 2BD/2BA in Tarrytown  
1306 Norwalk Lane 305  
Austin, TX 78703  
United StatesHosted by Nat Nealeigh  
Phone: +1(512)332-9780

## 2 Travelers on this trip

Jeremy Thacker  
Josh Danke

## Business trip notes

[None added]

## Cost per traveler

This trip was **\$96.00** per person, per night,  
including taxes and other fees.

## Security Deposit

A Host requires a Security Deposit of \$450 to  
book this listing. The Guest is responsible for the  
amount of the Security Deposit, but it will not be  
charged unless the host makes a claim.

## Charges

\$86.00 × 1 night	\$86.00
Cleaning fees	\$85.00
Service fee	\$21.00
<b>Total</b>	<b>\$192.00</b>

## Payment

Paid with AMEX •••• 1083	\$192.00
Mon, October 31, 2016 @ 2:04 PM MST	
<b>Total Paid</b>	<b>\$192.00</b>

[Add billing details](#)

## Average nightly charges

Average nightly price	\$86.00
Average cleaning fee	\$85.00
Average guest fee	\$21.00
<b>Total per night</b>	<b>\$192.00</b>

## Need help?

Visit the Help Center for any questions.

QJ5QAF

Booked by **Jeremy Thacker**

Monday, Oct 31, 2016

---

**Cancellation policy:** Strict. Certain fees and taxes may be non-refundable. See here for more details.

Airbnb Payments, Inc. ("Airbnb Payments") is a limited payment collection agent of your Host. This means that upon your payment of the Total Fees to Airbnb Payments, your payment obligation to your Host is satisfied. Refund requests will be processed in accordance with: (i) the Host's cancellation policy (available on the Listing); or (ii) Airbnb Payment's Guest Refund Policy Terms, available at <https://www.airbnb.com/terms>. Questions or complaints: contact Airbnb Payments at 855-4-AIRBNB (855-424-7262)

## Explanation of Security Deposit

Hosts can make a claim on their deposit within 14 days of your checkout date or before the next guest checks in, whichever is earlier. If a claim is initiated, Airbnb Customer Service will be in contact with both you and your Host to make sure both parties are represented fairly. Additional details regarding the Security Deposit are available at <https://www.airbnb.com/help/article/352>.

Payment processed by:

### **Airbnb Payments, Inc.**

888 Brannan Street  
San Francisco, CA 94103

### **Airbnb, Inc.**

888 Brannan Street  
San Francisco, CA 94103

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Need help? Visit the Help Center, email us or call (800) 024 7626.

# EXHIBIT N3



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**From:** Jeremy Thacker [/o=MEX09/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=542e77fa7eea4951adbe7e2c97e2fd54-jeremy.thacker]  
**on behalf of** Jeremy Thacker [/o=mex09/ou=exchange administrative group (fydibohf23spdlT)/cn=recipients/cn=542e77fa7eea4951adbe7e2c97e2fd54-jeremy.thacker]  
**Sent:** 11/7/2016 4:00:13 PM  
**To:** Harold Leitner [harold.leitner@gpsinsight.com]; Elliot Batcheller [elliottb@gpsinsight.com]; Josh Danke [josh.danke@gpsinsight.com]; Jason Walker [jason.walker@gpsinsight.com]  
**Subject:** FW: LCRA Visit Agenda  
**Attachments:** GPS Insight Agenda.docx

We just received the Agenda from LCRA for the next 2 days on-site. Josh and I are meeting to discuss shortly. Just keeping you in the loop.

**Jeremy Thacker** | Government Sales Manager - Southwest

**GPS Insight**  
7201 E. Henkel Way, Suite 400 | Scottsdale, AZ 85255  
480.663.9472  
[gpsinsight.com](http://gpsinsight.com)



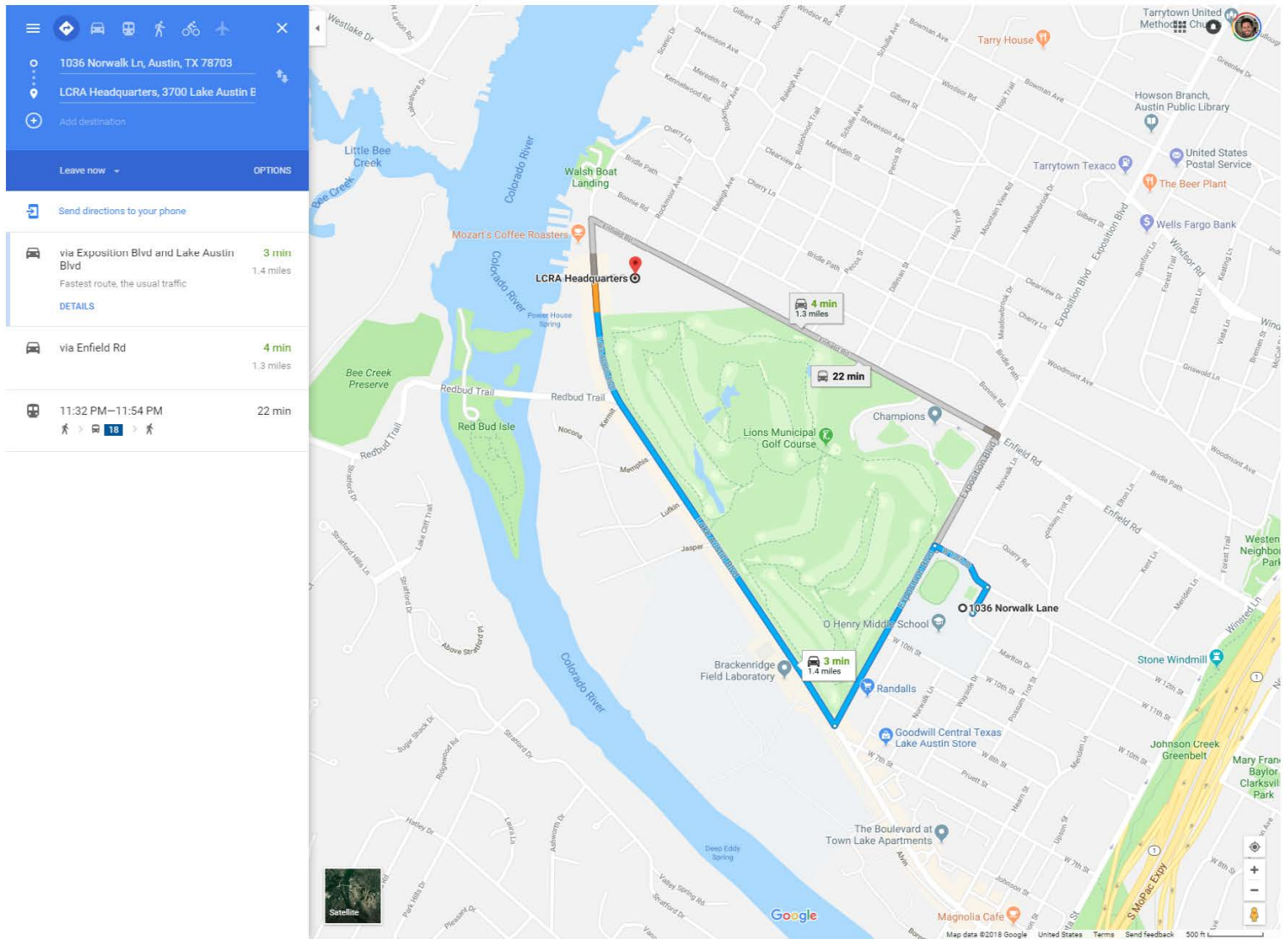
---

**From:** Ashley Erickson [mailto:Ashley.Erickson@LCRA.ORG]  
**Sent:** Monday, November 7, 2016 8:48 AM  
**To:** Josh Danke <josh.danke@gpsinsight.com>; Jeremy Thacker <jeremy.thacker@gpsinsight.com>  
**Cc:** Jeannine Vater <Jeannine.Vater@LCRA.ORG>; Daniel McKinnis <Daniel.McKinnis@LCRA.ORG>; Miguel Nunez <Miguel.Nunez@LCRA.ORG>  
**Subject:** LCRA Visit Agenda

Josh and Jeremy,  
Here is a high-level agenda for tomorrow and Wednesday. Let me know if anything is missing or needs to be adjusted.

Thanks,  
Ashley

# EXHIBIT N4



# EXHIBIT O

**To:** [Jeffrey A. Silence](#); [Palys, Stefan M.](#); [Francis, Carrie M.](#)  
**Cc:** ["Timothy B. O'Connor" \(toconnor@soarizonalaw.com\)](#); [Kraig J. Marton](#)  
**Date:** Tuesday, November 6, 2018 4:09:28 PM

---

Jeff,

We've already discussed this both on the phone and now in the e-mails below. We believe what we submitted to the court is accurate. If you disagree, you can proceed as I outlined below. We're not responding to further e-mails on this topic.

**Michael Vincent** | Attorney | Stinson Leonard Street LLP  
1850 N. Central Avenue, Suite 2100 | Phoenix, AZ 85004-4584  
T: 602.212.8544 | F: 602.586.5295  
[michael.vincent@stinson.com](mailto:michael.vincent@stinson.com) | [www.stinson.com](http://www.stinson.com)  
Legal Administrative Assistant: Christina Roundtree | 602.212.8553 |  
[christina.roundtree@stinson.com](mailto:christina.roundtree@stinson.com)

---

**From:** Jeffrey A. Silence <[jxs@jaburgwilk.com](mailto:jxs@jaburgwilk.com)>  
**Sent:** Tuesday, November 06, 2018 16:03  
**To:** Vincent, Michael <[michael.vincent@stinson.com](mailto:michael.vincent@stinson.com)>; Palys, Stefan M. <[stefan.palys@stinson.com](mailto:stefan.palys@stinson.com)>; Francis, Carrie M. <[carrie.francis@stinson.com](mailto:carrie.francis@stinson.com)>  
**Cc:** 'Timothy B. O'Connor' ([toconnor@soarizonalaw.com](mailto:toconnor@soarizonalaw.com)) <[toconnor@soarizonalaw.com](mailto:toconnor@soarizonalaw.com)>; Kraig J. Marton <[kjm@jaburgwilk.com](mailto:kjm@jaburgwilk.com)>  
**Subject:** RE: Transcripts of 4 audio recordings

Michael,

Are you refusing to answer whether you or your clients made changes?

**JEFFREY A. SILENCE** | Partner | D 602.248.1079



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---

**From:** Vincent, Michael [<mailto:michael.vincent@stinson.com>]  
**Sent:** Tuesday, November 6, 2018 3:55 PM  
**To:** Jeffrey A. Silence; Palys, Stefan M.; Francis, Carrie M.  
**Cc:** 'Timothy B. O'Connor' ([toconnor@soarizonalaw.com](mailto:toconnor@soarizonalaw.com)); Kraig J. Marton  
**Subject:** RE: Transcripts of 4 audio recordings

Jeff,

We've already discussed this. Your comparison to edited emails or text messages doesn't make sense. The original is the recording, not the transcript. You have the original recording. You can check yourself if something is inaccurate in the transcript.

If you believe there's something materially incorrect in the portions of the transcripts that we cited to the court in our summary judgment briefing, you should submit the recording itself to the court and point out the errors.

**Michael Vincent** | Attorney | Stinson Leonard Street LLP  
1850 N. Central Avenue, Suite 2100 | Phoenix, AZ 85004-4584  
T: 602.212.8544 | F: 602.586.5295  
[michael.vincent@stinson.com](mailto:michael.vincent@stinson.com) | [www.stinson.com](http://www.stinson.com)  
Legal Administrative Assistant: Christina Roundtree | 602.212.8553 |  
[christina.roundtree@stinson.com](mailto:christina.roundtree@stinson.com)

---

**From:** Jeffrey A. Silence <[jxs@jaburgwilk.com](mailto:jxs@jaburgwilk.com)>  
**Sent:** Tuesday, November 06, 2018 15:43  
**To:** Vincent, Michael <[michael.vincent@stinson.com](mailto:michael.vincent@stinson.com)>; Palys, Stefan M. <[stefan.palys@stinson.com](mailto:stefan.palys@stinson.com)>; Francis, Carrie M. <[carrie.francis@stinson.com](mailto:carrie.francis@stinson.com)>  
**Cc:** 'Timothy B. O'Connor' (<[toconnor@soarizonalaw.com](mailto:toconnor@soarizonalaw.com)> <[toconnor@soarizonalaw.com](mailto:toconnor@soarizonalaw.com)>); Kraig J. Marton <[kjm@jaburgwilk.com](mailto:kjm@jaburgwilk.com)>  
**Subject:** RE: Transcripts of 4 audio recordings

Michael,

The court reporter certified the transcript in preparation for the Court and you cited the transcripts numerous times as evidence supporting material facts in your MSJ. We care for the same reason that we would care if you edited emails or text messages and submitted them as originals.

**JEFFREY A. SILENCE** | Partner | D 602.248.1079



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**From:** Vincent, Michael [<mailto:michael.vincent@stinson.com>]  
**Sent:** Tuesday, November 6, 2018 3:18 PM  
**To:** Jeffrey A. Silence; Palys, Stefan M.; Francis, Carrie M.  
**Cc:** 'Timothy B. O'Connor' (<[toconnor@soarizonalaw.com](mailto:toconnor@soarizonalaw.com)>); Kraig J. Marton  
**Subject:** RE: Transcripts of 4 audio recordings

Jeff, why is this important? We've already discussed that at trial, the recording is what will come into evidence.

**Michael Vincent** | Attorney | Stinson Leonard Street LLP  
1850 N. Central Avenue, Suite 2100 | Phoenix, AZ 85004-4584  
T: 602.212.8544 | F: 602.586.5295  
[michael.vincent@stinson.com](mailto:michael.vincent@stinson.com) | [www.stinson.com](http://www.stinson.com)  
Legal Administrative Assistant: Christina Roundtree | 602.212.8553 |  
[christina.roundtree@stinson.com](mailto:christina.roundtree@stinson.com)

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**From:** Jeffrey A. Silence <[jxs@jaburgwilk.com](mailto:jxs@jaburgwilk.com)>  
**Sent:** Tuesday, November 06, 2018 15:07  
**To:** Vincent, Michael <[michael.vincent@stinson.com](mailto:michael.vincent@stinson.com)>; Palys, Stefan M. <[stefan.palys@stinson.com](mailto:stefan.palys@stinson.com)>; Francis, Carrie M. <[carrie.francis@stinson.com](mailto:carrie.francis@stinson.com)>  
**Cc:** 'Timothy B. O'Connor' (<[toconnor@soarizonalaw.com](mailto:toconnor@soarizonalaw.com)>) <[toconnor@soarizonalaw.com](mailto:toconnor@soarizonalaw.com)>; Kraig J. Marton <[kjm@jaburgwilk.com](mailto:kjm@jaburgwilk.com)>  
**Subject:** Transcripts of 4 audio recordings

Michael,

Can you tell us whether you or your clients made any changes to the transcripts for the 4 audio recordings? If so, what changes were made?

**JEFFREY A. SILENCE** | Partner | D 602.248.1079

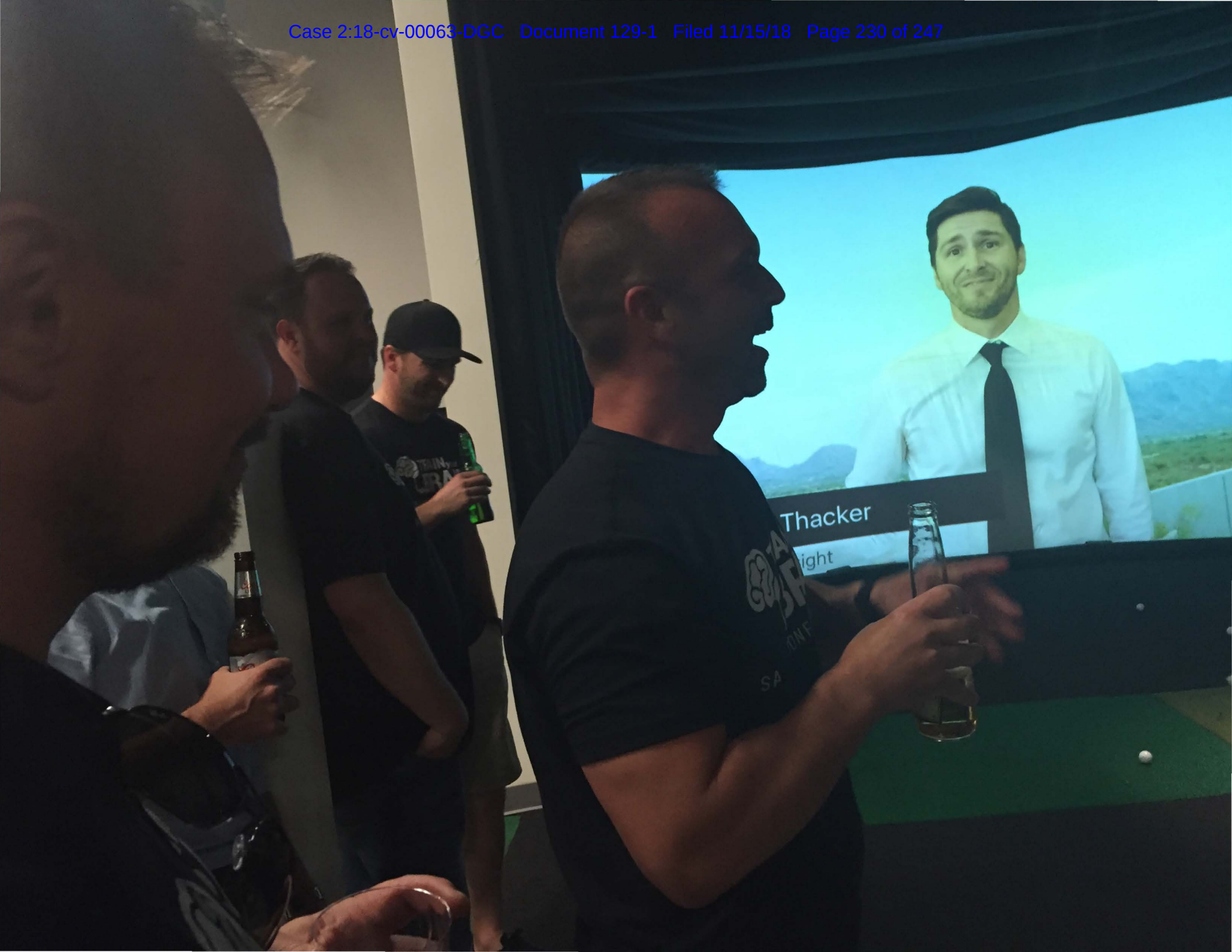


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# EXHIBIT P















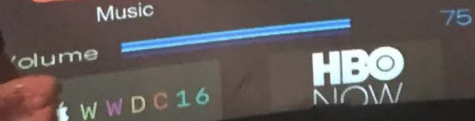
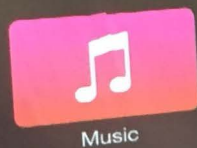
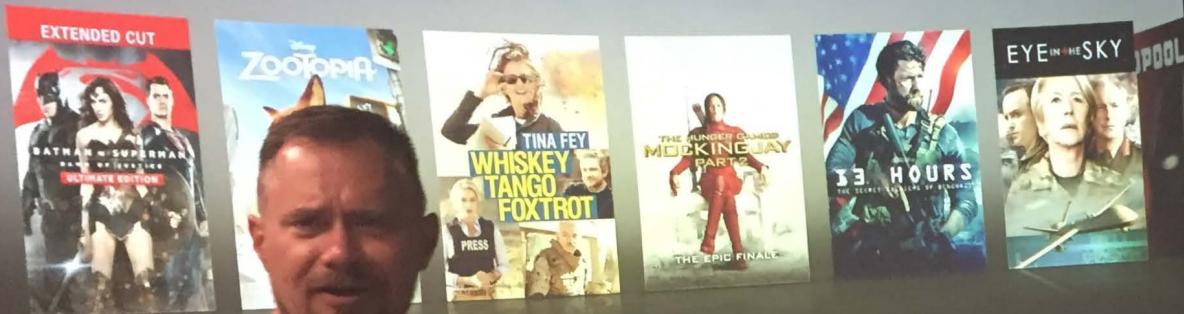








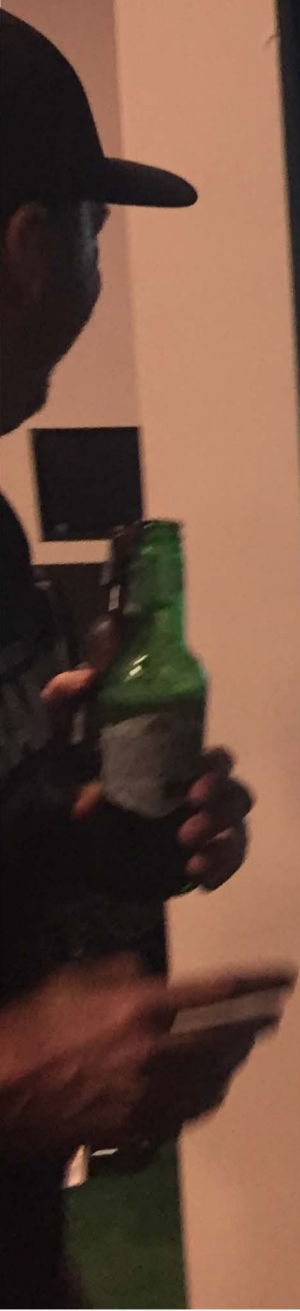
Top Movies











# EXHIBIT Q



Kristin Lisson <kristin.lisson@gmail.com>

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## Tyler

1 message

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**Kristin Lisson** <kristin.lisson@gmail.com>

Tue, Mar 7, 2017 at 10:33 AM

To: jeremy@thackerfamily.com

Tyler just came into my office and asked how I was doing. I told him I could do my job and work with him fine but that I wasn't going to lie to him and tell him it didn't hurt my feelings how he approached me on Thursday night at the game under the guise of friendship and care only to use what I said later in discussions with Jason. He said he was really sorry and that he didn't even consider that I would've thought that because...

"Jason and I didn't know what were going to do until Friday morning after we talked to Rob."

He openly admitted that they had not made their mind up about how to proceed with you until Friday and that part of the reason for their decision with you was that they didn't want me to leave the company, which I had mentioned to Tyler as one of my options on Thursday.

There's more, but I wanted to get that quote down before I forgot it. Wish I had recorded it.

LISSON000624

GPSI\_00109117

# EXHIBIT R

# EXHIBIT S



W-2		Federal Filing Copy Wage and Tax Statement		2017	
Copy B to be filed with employee's Federal Income Tax Return					
1 Wages, tips, other comp.	58423.28	2 Federal income tax withheld	10376.44		
3 Social security wages	63099.09	4 Social Security tax withheld	3912.14		
5 Medicare wages and tips	63099.09	6 Medicare tax withheld	914.94		
d Control number	9FB/		Employer use only		
e Employer's name, address, and ZIP code FUJITSU AMERICA, INC 1250 E ARQUES AVE M/S 164 SUNNYVALE CA 94088					
h Employer's FED ID number			a Employee's SSA number		
7 Social security tips			8 Allocated tips		
9 Verification code			10 Dependent care benefits		
11 Nonqualified plans			12a See instructions for box 12		
14 Other			12b C	72.60	
			12c D	4675.81	
			12d DD	3333.12	
			12d		
			13 Stat emp	Ret. plan	3rd party sick pay
				X	
f Employee's name, address, and ZIP code JEREMY N THACKER					
15 State	Employer's state ID no.	16 State wages, tips, etc.			
AZ	0770554941	58423.28			
17 State income tax	2103.22	18 Local wages, tips, etc.			
19 Local income tax		20 Locality name			

Form W-2 Wage &amp; Tax Statement Dept. of the Treasury-IRS OMB No. 1545-0008

W-2		State, City, Local Filing Copy Wage and Tax Statement		2017	
Copy 2 to be filed with employee's State/City/Local Income Tax Return					
1 Wages, tips, other comp.	58423.28	2 Federal income tax withheld	10376.44		
3 Social security wages	63099.09	4 Social Security tax withheld	3912.14		
5 Medicare wages and tips	63099.09	6 Medicare tax withheld	914.94		
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e Employer's name, address, and ZIP code FUJITSU AMERICA, INC 1250 E ARQUES AVE M/S 164 SUNNYVALE CA 94088					
h Employer's FED ID number			a Employee's SSA number		
7 Social security tips			8 Allocated tips		
9 Verification code			10 Dependent care benefits		
11 Nonqualified plans			12a See instructions for box 12		
14 Other			12b C	72.60	
			12c D	4675.81	
			12d DD	3333.12	
			12d		
			13 Stat emp	Ret. plan	3rd party sick pay
				X	
f Employee's name, address, and ZIP code JEREMY N THACKER					
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AZ	0770554941	58423.28			
17 State income tax	2103.22	18 Local wages, tips, etc.			
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Form W-2 Wage &amp; Tax Statement Dept. of the Treasury-IRS OMB No. 1545-0008

W-2		State, City, Local Filing Copy Wage and Tax Statement		2017	
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1 Wages, tips, other comp.	58423.28	2 Federal income tax withheld	10376.44		
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h Employer's FED ID number			a Employee's SSA number		
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11 Nonqualified plans			12a See instructions for box 12		
14 Other			12b		
			12c		
			12d		
			13 Stat emp	Ret. plan	3rd party sick pay
				X	
f Employee's name, address, and ZIP code JEREMY N THACKER					
15 State	Employer's state ID no.	16 State wages, tips, etc.			
17 State income tax		18 Local wages, tips, etc.			
19 Local income tax		20 Locality name			

Form W-2 Wage &amp; Tax Statement Dept. of the Treasury-IRS OMB No. 1545-0008

W-2		Employee Reference Copy Wage and Tax Statement		2017	
Copy C for Employee Records					
1 Wages, tips, other comp.	58423.28	2 Federal income tax withheld	10376.44		
3 Social security wages	63099.09	4 Social Security tax withheld	3912.14		
5 Medicare wages and tips	63099.09	6 Medicare tax withheld	914.94		
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e Employer's name, address, and ZIP code FUJITSU AMERICA, INC 1250 E ARQUES AVE M/S 164 SUNNYVALE CA 94088					
h Employer's FED ID number			a Employee's SSA number		
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			13 Stat emp	Ret. plan	3rd party sick pay
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f Employee's name, address, and ZIP code JEREMY N THACKER					
15 State	Employer's state ID no.	16 State wages, tips, etc.			
AZ		58423.28			
17 State income tax	2103.22	18 Local wages, tips, etc.			
19 Local income tax		20 Locality name			

Form W-2 Wage &amp; Tax Statement Dept. of the Treasury-IRS OMB No. 1545-0008

## 2017 W-2 and EARNINGS SUMMARY

Ultimate  
SOFTWARE  
People First

You can file your U.S. federal and state taxes with TurboTax directly from your company's employee self-service system. To take advantage of this convenient feature you can log in to your UltiPro portal, view your Form W-2, and click on the Export to TurboTax link. You can also get started with TurboTax directly by scanning the QR code or by typing this into your web browser:  
<https://turbotax.intuit.com/affiliate/ultipaper>



This Earning Summary section is included with your W-2 to help describe portions in more detail.

1. The following information reflects your final pay statement plus employer adjustments that comprise your W-2 statement.

Earnings Description	Wages, Tips, Other Comp.	Social Security Wages	Medicare Wages
Gross Wages	63894.09	63894.09	63894.09
Less Exempt Wages			
Less Deferred Comp	4675.81		
Less Housing/Transportation			
Less Dependent Care			
Less Sec 125	795.00	795.00	795.00
Less Excess Wages			
<b>Taxable Wages</b>	<b>58423.28</b>	<b>63099.09</b>	<b>63099.09</b>
(Reported on Form W-2)	Box 1 of W-2	Box 3 of W-2	Box 5 of W-2

2. Employee W-4 Profile To change your employee W-4 profile information, file a new W-4 with the payroll department

FIT: S 3

SIT Res: AZSIT C 0

SIT Work: AZSIT C 0

# EXHIBIT T



Mar 30, 2016, 8:22:17 PM Eastern Time: Me: "How's life? We are both so busy, we never get to chat. I miss getting to talk with you."

Mar 30, 2016, 8:48:21 PM Eastern Time: Tyler Mortensen: "I know it's crazy, you're turning into a road warrior."

Mar 30, 2016, 8:49:14 PM Eastern Time: Tyler Mortensen: "Life is good just busy. Trying to keep up with everything at work and keep everyone happy. Clint just put in his two weeks Notice"

Mar 30, 2016, 8:49:16 PM Eastern Time: Me: "I've never been part of any opportunity like this before. I can barely sleep because I feel like I'm in the gold rush."

Mar 30, 2016, 8:50:09 PM Eastern Time: Me: "BTW, working directly with Jason has changed our relationship COMPLETELY around. You were right that I would see him differently."

Mar 30, 2016, 8:50:54 PM Eastern Time: Tyler Mortensen: "Yea you are in a great position, I'm looking forward to seeing it all come in"

Mar 30, 2016, 8:51:16 PM Eastern Time: Tyler Mortensen: "And I'm glad it's working out, I think it's changing his perspective too, which is good"

Mar 30, 2016, 8:51:41 PM Eastern Time: Tyler Mortensen: "Jason's a direct path to Rob"

Mar 30, 2016, 8:51:59 PM Eastern Time: Me: "So is my 23 year old gf 💎"

Mar 30, 2016, 8:52:48 PM Eastern Time: Me: "It looks like Evan and Ross are picking up steam. I haven't even looked at SMB numbers this month"

Mar 30, 2016, 8:56:55 PM Eastern Time: Tyler Mortensen: "That's funny and sounds about right"

Mar 30, 2016, 8:57:17 PM Eastern Time: Tyler Mortensen: "Yea they are doing well. I have s feeling Miles looking for another job"

Mar 30, 2016, 8:57:37 PM Eastern Time: Tyler Mortensen: "SB will do 200 again this month which is good. Alex has done about 65"

Mar 30, 2016, 8:57:44 PM Eastern Time: Me: "Mike?"

Mar 30, 2016, 8:58:06 PM Eastern Time: Tyler Mortensen: "Oops, yes Mike S"

Mar 30, 2016, 8:58:14 PM Eastern Time: Tyler Mortensen: "He wants more money"

Mar 30, 2016, 8:59:14 PM Eastern Time: Me: "I haven't talked to him since that falling out a couple of weeks ago. It wouldn't surprise me. He's really entitled and impatient. He's talented and hustles but those other traits make it tough."

Mar 30, 2016, 9:00:21 PM Eastern Time: Me: "Don't repeat this but he lives with his mom. He is desperate to move out. So I wouldn't be surprised at all."

Mar 30, 2016, 9:01:09 PM Eastern Time: Me: "Ryan Hill quit his new job. I bet he'd have a change of attitude if we'd hire him back. Hard to get people up to speed"

Mar 30, 2016, 9:03:13 PM Eastern Time: Tyler Mortensen: "I didn't realize that. I know he's not making what he wants to and seeing Clint leave for s better base and upside will probably make him think even more about it"

Mar 30, 2016, 9:03:37 PM Eastern Time: Me: "I didn't know Clint was leaving."

Mar 30, 2016, 9:03:49 PM Eastern Time: Tyler Mortensen: "Ryan was good, it's frustrating that didn't work out because he knew what he was doing"

Mar 30, 2016, 9:03:59 PM Eastern Time: Tyler Mortensen: "Yes Clint put his notice in today"

Mar 30, 2016, 9:04:20 PM Eastern Time: Me: "Maybe the time apart would change things. Sometimes dramatic events make people see things differently."

Mar 30, 2016, 9:06:20 PM Eastern Time: Tyler Mortensen: "I think it's possible for sure. Not sure other people would be willing to try it again though. Just a guess, I haven't talked to anyone about it"

Mar 30, 2016, 9:07:54 PM Eastern Time: Me: "I don't know either. It's tough to do though. I do think he realizes what a special place and opportunity GPSI is. I don't know if he knows how to not be so disruptive though."

Mar 30, 2016, 9:09:52 PM Eastern Time: Tyler Mortensen: "Yea it's hard to change someone and would be risky to take that chance again. And he would have to go to the gov team which would mean Jason would definitely have to be ok with it"

Mar 30, 2016, 9:10:10 PM Eastern Time: Tyler Mortensen: "There aren't any positions open on the commercial side"

Mar 30, 2016, 9:14:12 PM Eastern Time: Me: "That's a tough sell. Where is Clint going?"

Mar 30, 2016, 9:19:47 PM Eastern Time: Tyler Mortensen: "Heat software"

Mar 30, 2016, 9:20:10 PM Eastern Time: Tyler Mortensen: "I think in just going to apply for the gov Midwest position and let"

Mar 30, 2016, 9:20:10 PM Eastern Time: Tyler Mortensen: " someone else manage 💎"

Mar 30, 2016, 9:20:57 PM Eastern Time: Me: "Dude, not to be discouraging but I don't know why you don't do that. Get rid of SMB and let Phil manage everyone else."

Mar 30, 2016, 9:21:21 PM Eastern Time: Me: "I think \$250 to \$500K per year is realistic for the next 3 years"

Mar 30, 2016, 9:21:45 PM Eastern Time: Tyler Mortensen: "It would be fun but probably not likely"

Mar 30, 2016, 9:22:22 PM Eastern Time: Tyler Mortensen: "It would be crazy though"

Mar 30, 2016, 9:24:39 PM Eastern Time: Me: "VZW owns(ed) government and they shit the bed. All the early adopters are ready to leave them and all the late adopters are ready to do it now. It's a good spot"

Mar 30, 2016, 9:25:41 PM Eastern Time: Tyler Mortensen: "Yea it is. It's pretty crazy"

Mar 30, 2016, 10:09:05 PM Eastern Time: Tyler Mortensen: "When you make \$500k in a year I'll expect a steak dinner"



Mar 30, 2016, 10:11:11 PM Eastern Time: Me: "You'll get more than that. I owe you a lot. I know you were joking but I'm not."

Mar 30, 2016, 10:11:38 PM Eastern Time: Tyler Mortensen: "I think you can make it happen"

Mar 30, 2016, 10:11:56 PM Eastern Time: Tyler Mortensen: "This year alone could be awesome"

Mar 30, 2016, 10:12:07 PM Eastern Time: Tyler Mortensen: "For you specifically"

Mar 30, 2016, 10:12:26 PM Eastern Time: Me: "Yeah, that part is really surprising. I thought this year was going to really suck"

Mar 30, 2016, 10:15:27 PM Eastern Time: Me: "Dude, I just saw that JP Pest ordered 27 Units and Easter Seals ordered 12. That's like Christmas"

Mar 30, 2016, 10:18:18 PM Eastern Time: Tyler Mortensen: "Lol good stuff"

Mar 30, 2016, 10:18:21 PM Eastern Time: Tyler Mortensen: "That's sweet"

Labels: Text, Inbox

# EXHIBIT U